

1 A No. I don't think so.

2 Q So there weren't names?

3 A I think we just discussed one person, Mr. Sytnyk.

4 Q Okay. So it's a name, not names?

5 A To the best of my recollection.

6 Q And I guess what I'm getting to is, is it possible
7 Lutsenko took that name as an example of somebody not to
8 prosecute?

9 A I can't really speak for his motivations or what
10 was in his mind.

11 Q Before the removal of Lutsenko's predecessor,
12 Shokin, there was effort on behalf of the U.S. Government,
13 including Vice President Biden, to have Shokin removed,
14 correct?

15 A Well, one thing, just to remind, as I said in my
16 opening statement, which you now have, I was not present at
17 that time, but I can tell you what I understand to be the
18 case.

19 Q Yes. Please do.

20 A So Vice President Biden, the IMF, pretty much
21 every -- every country that is present in Ukraine all felt
22 that Mr. Shokin as prosecutor general was not doing his job.

23 Q Which led to calls to oust him?

24 A Yes.

25 Q And the legislature has to remove him. Is that

1 correct?

2 A Yes, that's correct.

3 Q And then that occurred.

4 A Yes.

5 Q And then Lutsenko comes on board.

6 A Yes.

7 Q And was he, in your experience -- because you're
8 very knowledgeable about the region, so when I ask you in
9 your opinion, you have a very informed opinion -- was
10 Lutsenko better or worse than Shokin?

11 A I mean, honestly, I don't know. I mean, I think
12 they're cut from the same cloth.

13 Q Equally bad?

14 A I'm not sure that these comparisons are helpful.

15 Q Okay. And there was also an issue with the special
16 prosecutor, Kholodnitsky?

17 A Uh-huh.

18 Q Were there any -- any other beacons of hope in the
19 prosecutorial world of Ukraine?

20 A Well, it was kind of an unreformed office, shall we
21 say. So I think -- I think some of the people, who I didn't
22 actually personally know, but some of the people who came in
23 in the early days after the Revolution of Dignity, were
24 considered to be quite good. And I think some of them have
25 been brought back again under -- under this new President,

1 Zelensky. So, you know, I'm always hopeful about the
2 possibility for change.

3 Q There was never as much of a clamor to remove
4 Lutsenko as there was Shokin. Is that fair to say?

5 A Yeah, I think that's fair.

6 Q And what do you account for that?

7 A I would say that there was, I think, still a hope
8 that one could work with Mr. Lutsenko. There was also the
9 prospect of Presidential elections coming up, and as seemed
10 likely by, you know, December, January, February, whatever
11 the time was, that there would be a change of government.
12 And I think we certainly hoped that Mr. Lutsenko would be
13 replaced in the natural order of things, which is, in fact,
14 what happened.

15 We also had more leverage before. I mean, this was not
16 easy. President Poroshenko and Mr. Shokin go way back. In
17 fact, I think they are godfathers to each other's children.
18 So this was, you know, this was a big deal. But we had
19 assistance, as did the IMF, that we could condition.

20 MR. GOLDMAN: Could I just make one point of
21 clarification? You said President Poroshenko and Mr. Shokin
22 go way back?

23 MS. YOVANOVITCH: Yes.

24 MR. GOLDMAN: Do you mean Shokin or Lutsenko?

25 MS. YOVANOVITCH: Well, I think they probably all go way

1 back. It's a small elite. But President Poroshenko and
2 Shokin go way back, because my understanding is that they are
3 each other's -- godparents for each other's children.

4 BY MR. CASTOR:

5 Q What do you know about the investigation of
6 Burisma?

7 A Not very much. And, again, that happened before I
8 arrived.

9 Q Do you know when they were being investigated and
10 what exactly for?

11 A So was it -- actually, I think I'm more familiar
12 with the case against Zlochevsky, the head of Burisma. Is
13 that what you're talking about?

14 Q Both.

15 A Okay.

16 Q Do you know if Burisma was under investigation
17 separate from its leader?

18 A I believe so. And I believe that -- and, again, I
19 need to stress that this all happened before I arrived. But
20 I believe that with Burisma, the -- as I understand it,
21 again, mostly from media reports -- that the investigation
22 was dormant by the time that Lutsenko came to be prosecutor
23 general, and that -- but I also understand, you know, from
24 things in Ukrainian media and people would sort of mention,
25 that the investigation was never formally closed by Lutsenko,

1 because it's, frankly, useful to keep that company hanging on
2 a hook, right? And so -- so it was dormant, but it wasn't
3 fully closed and done with.

4 Q There was a -- press reports in the Ukraine that --
5 shortly before you came back the end of March -- that the
6 Ukrainian state prosecutor's office was reexamining issues
7 related to Burisma. Do you have any familiarity with that?

8 A Well, that question was asked earlier, and I don't
9 actually remember that. So, no, I don't.

10 Q Do you have any idea why the -- why Burisma --
11 again, this is before your time, but just wondering if you
12 have any idea why they would make an effort to put U.S.
13 people on their board.

14 A I mean, I don't know, but I can give you an
15 opinion.

16 MS. YOVANOVITCH: Is that --

17 MR. ROBBINS: Is it more than a guess?

18 MS. YOVANOVITCH: I mean, it's an opinion. It's a
19 guess.

20 MR. MEADOWS: Yeah. I would think, Ambassador, it would
21 be an informed opinion. Ambassador Volker was able to give
22 us some of the same commentary. We would like to hear it
23 from your perspective since he held you in very high regard.

24 MS. YOVANOVITCH: I -- so just to be clear, I mean, I
25 don't actually know, but I think that they probably did it

1 for the same reason most companies put, you know, people with
2 name recognition, experts, et cetera, on their boards, to
3 increase prestige, to let people know that they are good
4 companies, well valued, and so forth.

5 BY MR. CASTOR:

6 Q Do you know if they sought out experts in corporate
7 governance for their boards?

8 A I'm not familiar with that. I don't know.

9 Q Or experts in fighting corruption for their boards?

10 A I don't know.

11 Q Or did they just pick names of, you know, prominent
12 people?

13 A I really don't know. I mean, I don't know how they
14 went about selecting them.

15 Q Did a lot of the Ukrainian companies do this? Is
16 it a fairly widespread practice that sophisticated companies
17 in Ukraine, you know, name U.S. officials to their board?

18 A Well, I'm not sure they're officials.

19 Q Or U.S. persons. Sorry.

20 A So, yes. I think, you know, over time, this has --
21 this has been happening. So DTEK, which is one of the
22 largest companies in Ukraine, owned by a Ukrainian, has a
23 number of internationally recognized people.

24 I had mentioned Victor Pinchuk earlier, who hosted Mayor
25 Giuliani and other -- other people for his foundation. On

1 his foundation are, you know, former officials from around
2 the world, including Americans.

3 So, yeah, I mean, I think that people feel that this
4 gives greater gravitas, shall we say, to their board, whether
5 it's a foundation or whether it's a company.

6 Q Do you think it has any effect? Do you think --

7 A I don't know. You know, what do you mean by
8 "effect"?

9 Q Does it foster, you know, anti -- you know, an
10 anticorruption environment? Does it --

11 A Well, I mean, just to say I'm not sure that that's
12 why people put, you know, luminaries on their board, to
13 foster an anticorruption environment.

14 Q Do you know if NABU encourages people to --
15 encourages companies to put officials like this on a board,
16 or U.S. persons, or AntAC?

17 A There -- one of the ideas for good governance -- so
18 this is separate from private corporations or private
19 foundations, such as the YES Foundation that Pinchuk ran.

20 One of the things that I think started after the
21 Revolution of Dignity was that the state monopolies, and
22 there are many in Ukraine, that they would establish boards
23 for those organizations.

24 Is that maybe what you're talking about?

25 Q Uh-huh.

1 A And so what the government did was they would run
2 these open and transparent kind of competitions for who would
3 be on those boards. And the idea was you get experts and you
4 do get people who would, you know, foster an open environment
5 and so forth.

6 So -- and, you know, to your point, I mean there were
7 international experts on those boards, for the gas monopoly,
8 Naftogaz, and others.

9 Q And do you think that worked? Do you think that it
10 helped?

11 A I do think it -- you know, in -- with the public
12 companies, the monopolies, yes, I do think it was helpful.

13 MR. CASTOR: And my time is just about up, but I wanted
14 to turn to see if any of our Members had something quickly.

15 MR. ZELDIN: How much time do we have?

16 MS. LAX: Less than a minute.

17 MR. CASTOR: Oh. Sorry. So we're -- we'll --

18 MS. YOVANOVITCH: We're done?

19 MR. CASTOR: We'll take a break with our first hour.

20 MS. YOVANOVITCH: Okay.

21 MR. CASTOR: Thank you.

22 THE CHAIRMAN: Ambassador, would you like to take a
23 brief lunch break?

24 MS. YOVANOVITCH: Sure. I mean, I'm at your disposal,
25 I'm ready to go.

1 THE CHAIRMAN: Why don't we resume at 2 o'clock?

2 MS. YOVANOVITCH: Okay.

3 THE CHAIRMAN: Give people a chance to grab a bite to
4 eat. And so we'll resume at 2 o'clock.

5 MS. YOVANOVITCH: Okay. Thank you.

6 [Recess.]

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1 [2:07 p.m.]

2 THE CHAIRMAN: Before I turn it back to Mr. Goldman, I
3 wanted to just follow up on one of the questions that my
4 colleagues in the minority asked.

5 They asked you, Ambassador, about what advice you had
6 given Ukraine in terms of whether they should engage in
7 politically motivated prosecutions or prosecutions that were
8 not based on the law or facts, what in themselves would be
9 corrupt.

10 And I think you said that you gave general guidance
11 along those lines, that they shouldn't -- they should follow
12 the rule of law and they shouldn't engage in political
13 prosecutions. And you mentioned that one of the -- or the
14 one person you mentioned in this context that was by specific
15 name was the head of NABU.

16 MS. YOVANOVITCH: Uh-huh.

17 THE CHAIRMAN: And then you were asked, well, could this
18 have been the do not prosecute list that Lutsenko was
19 referring to.

20 I just want to ask again, Lutsenko recanted that whole
21 allegation, right?

22 MS. YOVANOVITCH: Yes.

23 THE CHAIRMAN: So when counsel for the minority asked
24 you, well, could that have been what Lutsenko was referring
25 to, Lutsenko himself has said it was nonsense.

1 MS. YOVANOVITCH: Yes, that is true.

2 THE CHAIRMAN: Mr. Goldman.

3 MR. GOLDMAN: Thank you, Mr. Chairman.

4 BY MR. GOLDMAN:

5 Q We left off a little bit on the April 21st call
6 between President Zelensky and President Trump right after
7 President Zelensky won the election, and you said you got a
8 general readout of the call afterwards. Who did you speak to
9 to get that readout?

10 A I don't recall. I don't recall. And when I say
11 "general," I mean really general: It was a good call, they
12 hit it off.

13 Q Did you speak to any Ukrainian officials about the
14 call?

15 A I don't recall, because, I mean, that happened on a
16 Sunday night. On Wednesday night, I got the call to return
17 to the United States. So there wasn't a lot of time in
18 there.

19 Q Okay. So let's move into that, then. It was just
20 3 days after that call that you got a call to go back to the
21 States?

22 A Yes.

23 Q Who called you to order you to do that?

24 A The director general of the State Department.

25 Q Who's that?

1 A Carol Perez.

2 Q What did she say to you?

3 A Well, in the first call, which happened at quarter
4 of 10 in the evening Kyiv time, she said that she was giving
5 me a heads-up, that things were going wrong, kind of off
6 the -- off the track, and she wanted to give me a heads-up.
7 She didn't know what was happening, but there was a lot of
8 nervousness on the seventh floor and up the street.

9 Q What did she mean by "up the street"?

10 A The White House. '

11 Q Did you understand what she meant about
12 nervousness?

13 A No. And I asked her. I said, well, thanks for
14 giving me a heads-up. What's the problem? Tell me what's
15 going on. And she said she didn't know.

16 I asked her, well, is this, you know, about the
17 allegations about me by Lutsenko -- and, of course, now it
18 was also by Mayor Giuliani.

19 And she didn't seem to be aware of that, and she said, I
20 don't know, I don't know anything about that.

21 And she said that she would try to get more information
22 and she would call me back.

23 Because I said, Okay. So we have this heads-up that
24 there's a problem, but what's the next step? Because I don't
25 know what the problem is.

1 And she said she would try to get more information and
2 she would try to call me at midnight.

3 Q Did she say whether anyone had asked her to call
4 you to give you this heads-up?

5 A I got that impression, but now I don't recall. I
6 mean, that's kind of the impression I have now.

7 Q And when you said by now Giuliani was also speaking
8 out against you, do you mean that by that time you were aware
9 that Giuliani was --

10 A Uh-huh.

11 Q -- make -- calling --

12 A Yes.

13 Q -- for your removal?

14 A Yes.

15 Q Who else were you aware of who was publicly calling
16 for your removal?

17 A Well, as I recounted earlier, there were -- you
18 know, there was a lot in social media from various people,
19 including Donald Trump, Jr. So, I mean, there was a lot out
20 there.

21 Q What about from the President himself? Were you
22 aware of his feelings towards you at that point?

23 A No, but he had posted some things. There were some
24 tweets out there, not directly about me, but some tweets out
25 there about, you know, Ukraine, concerns about Ukraine.

1 Q And you obviously understood that -- well, I won't
2 put words in your mouth.

3 Did you understand that if Donald Trump, Jr., is
4 speaking and Rudy Giuliani is speaking, that they represented
5 to some extent the President's views as well at that point?

6 A I didn't know, but, you know, that was certainly an
7 inference one could draw and --

8 Q Well, would that inference -- go ahead.

9 A And I would also add that I told you in my opening
10 statement that I had been asked to extend. But then about, I
11 would say, the week after the Hill article, the State
12 Department, Phil Reeker in this case, was saying, well, it's
13 not going to be possible to extend you -- I mean, I obviously
14 realized that as well -- and we'll have to talk about dates
15 for your departure.

16 So there was already discussion of when I would go. But
17 when I got the call from Carol, and I think that was the 24th
18 of April, or I should say Ambassador Perez, she -- I had
19 understood and Phil Reeker had understood that there was
20 agreement at the State Department that I could stay on
21 through July 2019, after the July Fourth party, which is
22 our -- it's the biggest representational thing that we do in
23 a host country, and that had been my original plan for
24 departure. And I thought, well, we can just go back to plan
25 A. And there seemed to have been agreement about that. And

1 then I got the call from Ambassador Perez.

2 Q Okay. I want to go through this step by step. But
3 just going back to what your understanding was as the
4 motivating factor for Ambassador Perez's call to you, to that
5 point you had only received support from the State Department
6 all the way up to the seventh floor. Is that right?

7 A Yeah. I mean, they -- I mean, they took back the
8 offer of an extension, but were working with me on, you know,
9 what a good departure date would look like and so forth.

10 Q And did you get the sense that the State Department
11 had issues with your performance in any way?

12 A Quite the opposite.

13 Q So I think that's sort of what I'm getting at. So
14 from the State Department's perspective, everyone on up to
15 Secretary Pompeo supported the work that you were doing in
16 Ukraine and had no problems with your performance, to your
17 knowledge?

18 A Yes. That is my understanding.

19 Q Okay. And then you see on social media that Donald
20 Trump, Jr., and Rudy Giuliani are calling for your ouster.
21 Is that right?

22 A Yes.

23 Q And then Ambassador Perez calls you and says, just
24 a heads-up. There's some nervousness, I think was your term.

25 A Uh-huh.

1 Q I mean, there don't seem to me to be too many
2 conclusions, but I don't want to put any words in your mouth.

3 What did you think was driving this concern at that
4 point?

5 A Well, that's why I asked her, is this about, you
6 know, the allegations against me that are out there. And she
7 said she didn't know, but that she would try to find out and
8 would try to call me back.

9 Q So what happened when --

10 THE CHAIRMAN: Can I ask you one clarifying question?
11 My colleague asked, as far as you knew in the State
12 Department, everyone was pleased with your performance,
13 indeed, they wanted you to extend another year.

14 MS. YOVANOVITCH: Yes.

15 THE CHAIRMAN: And I think my colleague asked you, all
16 the way up to the Secretary? But did you, in fact, know
17 where the Secretary was in all of this?

18 MS. YOVANOVITCH: I had understood that -- well, I'm not
19 exactly sure who decides on extensions of this kind, but I
20 had understood that there was a seventh floor blessing, if
21 not the Secretary himself, those around him who are, you
22 know, long-term colleagues and that he trusts and that can
23 speak for him.

24 So I had understood that there was a blessing of that
25 extension. But to answer your question, I don't really know.

1 THE CHAIRMAN: And did you ever find out when, you know,
2 the allegations were being made or the attacks were being
3 made by Donald Trump, Jr., or Rudy Giuliani, did you ever
4 find out what the Secretary of State's position, whether the
5 Secretary of State was going to defend you or not, apart from
6 the refusal by the Secretary to issue a statement in your
7 defense?

8 MS. YOVANOVITCH: What I was told by Phil Reeker was
9 that the Secretary or perhaps somebody around him was going
10 to place a call to Mr. Hannity on FOX News to say, you know,
11 what is going on? I mean, do you have proof of these kinds
12 of allegations or not? And if you have proof, you know, tell
13 me, and if not, stop.

14 And I understand that that call was made. I don't know
15 whether it was the Secretary or somebody else in his inner
16 circle. And for a time, you know, things kind of simmered
17 down.

18 THE CHAIRMAN: I mean, does that seem extraordinary to
19 you that the Secretary of State or some other high-ranking
20 official would call a talk show host to figure out whether
21 you should be retained as ambassador?

22 MS. YOVANOVITCH: Well, I'm not sure that's exactly what
23 was being asked.

24 THE CHAIRMAN: Well, they were asking if -- what basis
25 they -- was Hannity one of the people criticizing you?

1 MS. YOVANOVITCH: Yes.

2 THE CHAIRMAN: So some top administration official was
3 going to him to find out what the basis of this FOX host was
4 attacking you for?

5 MS. YOVANOVITCH: Uh-huh.

6 THE CHAIRMAN: And did you ever get any readout on what
7 the result of that conversation was?

8 MS. YOVANOVITCH: No, I didn't, although I was told that
9 it did take place.

10 But what we thought we saw was, you know, as a result of
11 the media monitoring, which I'm sure everybody does, what we
12 thought we saw was that there -- it simmered down for a
13 while.

14 THE CHAIRMAN: Until what point?

15 MS. YOVANOVITCH: Well, there would be, you know, like,
16 little blips and stuff. But I think when it took off was
17 really after the elections, the 21st of April, the second
18 round.

19 THE CHAIRMAN: And so you don't know who it was that
20 reached out to Mr. Hannity, but at some point after that
21 conversation, things settled until after the election?

22 MS. YOVANOVITCH: That's what it appeared to us. And I
23 should add, to the best of my recollection.

24

25

1 BY MR. GOLDMAN:

2 Q Do you recall when this conversation that the
3 Secretary or someone close to him had with Sean Hannity was?

4 A So the article, I think, was on the -- was on the
5 26th -- is that right? -- 26th or the 24th of April, the Hill
6 article, that sort of --

7 Q Of April or March?

8 A Of March. Thank you. And so it would have been
9 the following week.

10 Q So soon after the Hill, and --

11 A Yes.

12 Q -- so it simmered down, you said, through the
13 election?

14 A That's what I seem to recall. There were -- you
15 know, it was -- it was out there, but it seemed to be, you
16 know, simmering rather than at a high peak.

17 Q Do you know whether there was anyone else publicly
18 advocating for your removal? You just added Sean Hannity. I
19 just want to make sure we have the full universe of people
20 that you recall.

21 A Well, there were a lot of people opining about --
22 about me and what should be done. I can't remember
23 everything that everybody said, but there were a lot of
24 people out there.

25 Q Okay. So Sean Hannity, Donald Trump, Jr., and Rudy

1 Giuliani. Did you have an understanding that these were all
2 close advisers of the President?

3 A Well, they appeared to be close to the President
4 from, you know, far, far away.

5 Q From Ukraine?

6 A Yeah.

7 Q Understood.

8 A From my vantage point from far away, I should say.

9 Q Did you ever learn about any public concerns
10 expressed back in 2018 by Congressman Pete Sessions about
11 your performance?

12 A I learned about it in that article from The Hill by
13 John Solomon.

14 Q So you didn't know about it in realtime?

15 A No.

16 Q You had only heard about it --

17 A No.

18 Q -- in that article?

19 So you -- when there were discussions, I think you said,
20 on the seventh floor -- well, let me take a step back.

21 When were you given the offer of an extension?

22 A So the Undersecretary for Political Affairs, David
23 Hale, was in Ukraine. He arrived the evening of the 5th,
24 stayed a couple days. And at the end of that trip to Ukraine
25 he said that, you know, with elections coming up and, I mean,

1 he could see how complicated it was. At that time we thought
2 parliamentary elections would be in October. Obviously it's
3 always complicated to -- sorry -- it's always complicated to
4 get another ambassador named and confirmed. It's a long,
5 drawn-out process.

6 And so concerns about having Kyiv be empty at the top.
7 And so he asked me to -- whether I would consider staying for
8 another full year. I -- yeah.

9 Q And you said the 5th. Is that -- what month?

10 A Of March.

11 Q 5th of March.

12 A Same day as --

13 Q Around the time you gave the speech?

14 A Yeah.

15 Q And did you agree to do that?

16 A Not initially. You know, it's a tough post. I
17 mean, I loved my work there, I thought we did great work,
18 but, you know, it was a tough post. But in the end, I did
19 agree.

20 Q Around when did you agree?

21 A He asked me to call him, like, that following
22 Monday or something -- or be in touch. I think I emailed him
23 the following Monday.

24 Q Now, you also just referenced a conversation you
25 had with Phil Reeker shortly after the Hill articles came

1 out? Is that right?

2 A Uh-huh. Yeah.

3 Q And what did he say to you about this potential
4 extension?

5 A Well, Phil was the person -- so David Hale broached
6 this with me. And then Phil was the person who was kind of
7 working it through the system with the personnel people,
8 Director General Carol Perez, with whoever on the seventh
9 floor needs to bless these decisions and so forth.

10 And my understanding was that it had been -- it had been
11 approved and that, you know, then they were going to go
12 forward for the formal paperwork.

13 Q I guess I just want to understand, when you had the
14 conversation you described with Phil Reeker where he said --
15 he indicated to you that you were not going to be able to
16 stay for the full year --

17 A Oh, yeah. That was --

18 Q -- you went back to plan A?

19 A Yeah.

20 Q So that was after the Hill articles, right?

21 A Well, the Hill article was at the end of March, and
22 then there was a little bit of a pause in all of this. Then
23 the second round of Presidential elections was the 21st of
24 April. And then the 24th -- yeah -- the 24th of April was
25 when I got the call from Ambassador Perez, and -- yeah.

1 So the conversation with Phil was shortly after --
2 you're right -- shortly after the -- about a week after the
3 Hill article came out that probably --

4 Q So this would be early April?

5 A Yeah, very early April. Perhaps even the end of
6 March.

7 Q Why -- well, did Mr. Reeker explain you to why it
8 would be impossible for you to stay for your year only 2 or
9 3 weeks after you had agreed to do it?

10 A Not really. I mean, it was pretty clear why.

11 Q And what was pretty clear? Can you explain?

12 A Well, that this was -- you know, my presence at
13 post was a sensitive issue for the administration.

14 Q So he didn't explain to you, he just assumed that
15 you understood?

16 A Yeah.

17 Q And why did you understand that it was -- had
18 become a sensitive issue? Because of the article in The
19 Hill?

20 A Because of the article in The Hill, because of all
21 of the attendant, you know, tweets and postings and
22 interviews and talk shows and various other things, and the
23 fact that, as we discussed earlier, the State Department did
24 not feel that they could actually even issue, in the face of
25 all of this, a full-throated kind of statement of support for

1 me.

2 Q And can you explain again why you understood that
3 the State Department could not issue a statement of support?

4 A What I was told is that there was concern that the
5 rug would be pulled out from underneath the State Department
6 if they put out something publicly.

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1 [2:27 p.m.]

2 BY MR. GOLDMAN:

3 Q By whom?

4 A The President.

5 Q And in what way would the rug be pulled out from
6 under them?

7 A You know, that perhaps there would be a tweet of
8 disagreement or something else.

9 Q Did you have an understanding that the State
10 Department brass or the State Department executives
11 understood that the President did not support you?

12 A I mean, yeah, that seemed to be the conclusion.

13 Q And did you understand why?

14 A Well, again, I assumed that it was as a result of
15 the partnership, if that's the right word, between Mr.
16 Lutsenko and Mr. Giuliani.

17 Q And then the relationship between Mr. Giuliani and
18 Mr. Trump?

19 A Yeah, I think that's a fair conclusion.

20 Q So you said Ambassador Perez said she would get
21 back to you at midnight on the night of April 24th. Did she
22 call you then?

23 A She called me about an hour later, so it's now
24 1 a.m. in the Ukraine.

25 Q And what did she say to you then?

1 A She said that there was a lot of concern for me,
2 that I needed to be on the next plane home to Washington.

3 And I was like, what? What happened? And she said, I
4 don't know, but this is about your security. You need to
5 come home immediately. You need to come home on the next
6 plane.

7 And I said, physical security? I mean, is there
8 something going on here in the Ukraine? Because sometimes
9 Washington has intel or something else that we don't
10 necessarily know. And she said, no, I didn't get that
11 impression, but you need to come back immediately.

12 And, I mean, I argued with her. I told her I thought it
13 was really unfair that she was pulling me out of post without
14 any explanation, I mean, really none, and so summarily.

15 Q She didn't give you an explanation for why it had
16 to be so soon?

17 A She said it was for my security, that this was for
18 my well-being, people were concerned.

19 Q What did you understand that to mean?

20 A I didn't know because she didn't say, but my
21 assumption was that, you know, something had happened, some
22 conversations or something, and that, you know, now it was
23 important that I had to leave immediately because -- I didn't
24 really know.

25 Q So what did you do next?

1 A Well, I went home and I told, you know, my
2 secretary, my staff assistant, and the number two at the
3 embassy, the management officer, I asked them to come to my
4 residence at 8 a.m. in the morning -- I, of course, had a
5 full slate of meetings that day -- and to, you know, to start
6 the wheels going in motion to buy me a ticket. I couldn't
7 leave on the next -- I mean, there wasn't a next plane
8 because it was 1 a.m. when I got this news, right? So the
9 next plane was at 6 a.m. or something like that on Friday
10 morning. To get tickets. To inform them what had happened.
11 To sort of give advice and instruction.

12 I didn't know how long I would be in Washington. Carol
13 couldn't tell me that. And I had asked -- I said, you know,
14 well, this doesn't look good. I mean, I can see where this
15 is going. So could you just leave me here for another week,
16 I will pack out and I will go.

17 And she said, no, you have to be, you know, you have to
18 leave immediately. This is for you. We're concerned about
19 you. And I said, well, you will let me come back to pack
20 out, and she couldn't even give me an answer on that.

21 Q Did you speak to anybody else at the State
22 Department about this directive?

23 A Yeah.

24 MR. ROBBINS: Do you mean then or ever?

25

1 BY MR. GOLDMAN:

2 Q No. Sorry. The day after you got the call and you
3 were in the embassy trying to get everything organized, did
4 you -- prior to flying back to D.C., I think that's the best
5 way to put it -- did you speak to anybody else other than
6 Ambassador Perez at the State Department about the request
7 for you to come home?

8 A I'm sure I did. I don't recall right now. And,
9 actually, I wasn't really in the embassy that day because the
10 embassy is a little bit outside of town. I mean, I kept my
11 meeting schedule for that day.

12 Q Okay. Before you flew home, did you have a better
13 sense of why you were --

14 A No.

15 Q -- requested to come home?

16 A No.

17 Q What did you do when you arrived in D.C.?

18 A Well, it was a Friday afternoon, and so I had the
19 whole weekend to think about this. And my niece lives here,
20 so I saw her, I saw friends.

21 Q Who did you first meet at the State Department
22 after arriving in Washington?

23 A So that would be Monday morning. And there wasn't
24 really any -- there weren't any meetings on Monday morning.
25 At about 1 o'clock, I think it was, I met with Assistant

1 Secretary Phil Reeker, who previewed the next meeting, which
2 was with Deputy Secretary Sullivan, which took place at
3 around 4 o'clock.

4 Q What did Mr. Reeker say to you at that point?

5 A Mr. Reeker said that I, you know, I would need to
6 leave. I needed to leave as soon as possible. That
7 apparently, as I stated in my statement, the President had
8 been -- had wanted me to leave since July of 2018 and -- or
9 the summer, I should say, the middle of the summer of 2018 --
10 and that the Secretary had tried to protect me but was no
11 longer able to do that.

12 Q Who had concerns as of July of 2018?

13 A President Trump.

14 Q And was that the first that you had heard of that?

15 A Yes.

16 Q What did you say in response?

17 A I was shocked.

18 Q Did he explain why President Trump had concerns?

19 A No. No. I think there was just a general
20 assumption that it must have had to do with the information
21 that Mr. Lutsenko provided to Mr. Giuliani. But we really
22 didn't get into that because, you know, we, Phil and I had --
23 or Ambassador Reeker and I had had previous discussions about
24 this. And, yeah, there just didn't seem to be much point.

25 Q Can you, without getting into all the details, can

1 you summarize those previous discussions just so we
2 understand what knowledge you had going into that meeting?

3 A Well, most of the discussions with Ambassador
4 Reeker, you know, first it was about extending me for a year.
5 Then after the Hill article he wanted to -- he was talking to
6 me about, you know, my departure plans.

7 Initially he had thought it would be good if I went to
8 work for -- to be a political adviser to one of our four-star
9 generals. He had just departed EUCOM, so General Scaparotti
10 (ph) did not have a political adviser and he thought that
11 maybe I could leave Ukraine early and go and incumber that
12 position. And initially I was sort of thinking about that,
13 and then I just didn't have the heart for it, frankly.

14 And so then -- then it became, well, when would you
15 leave Ukraine? And then I thought we had -- I mean, I think
16 we all thought that we had come to an agreement that I could
17 leave right after the big representational event in July to
18 honor our Independence Day.

19 Q Okay. And just to be clear, in any of those
20 conversations with Mr. Reeker, Ambassador Reeker, leading up
21 to what I guess was the April 29th meeting on that Monday --

22 A Uh-huh.

23 Q -- had he indicated to you that the concerns about
24 you had escalated all the way up to President Trump?

25 A No, I don't think -- no.

1 Q So when you -- when he said that to you in that
2 meeting, that was the first you had heard of that?

3 A Yes.

4 Q And in addition to any shock, did you say anything
5 else to him? Did you ask why? Did you get an explanation as
6 to why?

7 A I'm sure I did ask why, and I'm sure, you know, I
8 expressed my anger, I'm sure I did all those things, but now
9 I can't really recall the conversation.

10 Q Can you -- and then you then met with the Deputy
11 Secretary?

12 A Uh-huh.

13 Q Can you describe that meeting for us? What did he
14 say to you?

15 A Yeah. So the Deputy Secretary said that, you know,
16 he was sorry this was all happening, that the President had
17 lost confidence, and I would need to depart my post. That,
18 you know, he had -- you know, I said, what have I done wrong?
19 And he said, you've done nothing wrong. And he said that he
20 had had to speak to ambassadors who had been recalled for
21 cause before and this was not that.

22 And he, you know, expressed concern for what I would do
23 next, and, you know, kind of how I would -- you know, kind of
24 my state of mind, shall we say.

25 And he also, I think, he repeated what Phil had already

1 told me, which is that this was coming from President Trump,
2 this was, you know, final, and that I -- that the reason they
3 pulled me back is that they were worried that if I wasn't,
4 you know, physically out of Ukraine, that there would be, you
5 know, some sort of public either tweet or something else from
6 the White House. And so this was to make sure that I would
7 be treated with as much respect as possible.

8 He said that my departure date was up to me. If I
9 wanted to keep the previously agreed upon date of, you know,
10 after the July Fourth event, that would be okay, but he could
11 not guarantee what would happen.

12 Q What did you say to him?

13 A Well, you know, I expressed my dismay and my
14 disappointment. I asked him what this meant for our policy,
15 what was the message that --

16 MR. GOLDMAN: Do you want to take a minute?

17 MS. YOVANOVITCH: Yeah, just a minute. I'm just going
18 to exit it for 1 minute.

19 MR. GOLDMAN: Yeah, we can go off the record. Can we
20 pause the time?

21 [Discussion off the record.]

22 MR. GOLDMAN: Back on the record, and start the clock.

23 Ambassador Yovanovitch, we understand this is a
24 difficult and emotional topic, and we thank you for your
25 honest recollection and answers.

1 MR. ROBBINS: Is there a pending -- I just want to hear
2 if is there a pending question that she had not finished
3 answering or if you just want to ask a new one.

4 MR. GOLDMAN: I'll just ask a new one.

5 BY MR. GOLDMAN:

6 Q I think where we were was I had asked you, you were
7 explaining what your reaction to Deputy Secretary Sullivan
8 was?

9 A I was upset. And I, you know, I wanted an
10 explanation because this is rather unusual. But he could not
11 offer one beyond the fact that the President had made a
12 decision. And it is the President's to make, as we know.

13 I did ask him though, you know, what does this mean for
14 our foreign policy? What does it mean for our position on
15 anticorruption? What message are we sending to the
16 Ukrainians, to the world? How were, you know, I mean, beyond
17 me, how were we going to explain this? And what are we going
18 to say, you know, not only to the people at U.S. Embassy
19 Kyiv, but more broadly to the State Department?

20 And I told him I thought that this was a dangerous
21 precedent, that as far as I could tell, since I didn't have
22 any other explanation, that private interests and people who
23 don't like a particular American ambassador could combine to,
24 you know, find somebody who was more suitable for their
25 interests. That, you know, it should be the State

1 Department, the President, who makes decisions about which
2 ambassador. And, obviously, the President did make a
3 decision, but I think influenced by some who are not
4 trustworthy.

5 Q Who are you referring to?

6 A Mr. Lutsenko.

7 Q You don't have any information that President Trump
8 ever met with Mr. Lutsenko, though, do you?

9 A There was a rumor in Kyiv that during the meeting
10 between Mr. -- Mayor Giuliani and Mr. Lutsenko in January
11 that the President got on the line.

12 Q Did you ever verify whether that was true or not?

13 A No.

14 Q But your understanding is the information came from
15 Lutsenko via intermediaries to the President?

16 A Yes.

17 Q And if this -- you asked what this would do to the
18 anticorruption message. What do you mean by that?

19 A Well, I felt that -- I felt that in the public
20 discussion of this, in social media and in other media, they
21 were portraying this as, you know, Lutsenko going after me
22 because I had stymied what he wanted to do, and that I was,
23 you know, upholding our policy about helping the Ukrainians
24 transform their -- themselves so that it wouldn't be a system
25 of corruption.

1 And if I were to leave as the symbol of that effort, I
2 think it would send a message. And I wanted to know how the
3 State Department was going -- was thinking about that, how
4 they were going to manage that message in a way that would be
5 least damaging to our interests.

6 Q Now, you referenced the specific attacks on you.
7 Were you also aware by this point of public statements
8 encouraging Ukraine to investigate Joe Biden or some sort of
9 collusion between Ukraine and the Democratic National
10 Committee in 2016 by that point?

11 A Yeah, I think I was probably aware of that at that
12 point.

13 Q For example, Rudy Giuliani on the morning of
14 April 24th, went on "FOX and Friends," said, quote, "Keep
15 your eye on Ukraine," unquote, and discussed both of those
16 investigations. Were you aware of that?

17 A Yes, I aware of that. And, actually, I do now
18 recall that actually Minister Avakov also laid that out in
19 February.

20 Q Are you also aware that on the night of April 25th
21 that President Trump went on Sean Hannity's show and
22 discussed Ukraine?

23 A Yes. He was asked a question about Russia and he
24 answered by responding about Ukraine.

25 Q And what was your reaction to that?

1 A Well, you know, I mean, I was concerned about what
2 this would all mean.

3 Q In what way?

4 A Well, obviously, for me personally, not to make it
5 all about me, but for me personally. But also, what does
6 this mean for our policy? Where are we going?

7 Q And can you just briefly describe would it be
8 beneficial -- well, I'll get to that in a minute.

9 So you understood in realtime as you were being recalled
10 suddenly that there was a flurry of media activity in
11 connection to these investigations in Ukraine. Is that
12 right?

13 A Yes.

14 Q Now, did you have any understanding of the nature
15 of these investigative theories? Did you know whether they
16 were accurate or inaccurate or factual or had been
17 investigated? Did you know anything about them by this
18 point?

19 A I mean, my understanding, again, from the press was
20 that, you know, the allegation that there was Ukrainian
21 interference in our elections in 2016, that it wasn't Russia,
22 it was Ukraine, that that had been debunked long ago.

23 But, again, it wasn't the subject of my work. And so
24 I -- again, because it's so political, I mean, it really kind
25 of crosses the line into what I feel is proper for a foreign

1 service officer, you know, I didn't go digging into that.

2 Q But were you aware that the Intelligence Community
3 had uniformly concluded that Russia was responsible for the
4 interference in the election?

5 A Yes.

6 Q And were you aware by that point that Robert
7 Mueller, the special counsel, had issued a dozens-of-page
8 indictment detailing in great detail the Russian interference
9 in the election?

10 A Yes.

11 Q Would it benefit Russia if Ukraine were -- if the
12 allegations that Ukraine was involved in the 2016 election
13 were true?

14 A I think so.

15 Q How so?

16 A Because, you know, I think most Americans believe
17 that there shouldn't be meddling in our elections. And if
18 Ukraine is the one that had been meddling in our elections, I
19 think that the support that all of you have provided to
20 Ukraine over the last almost 30 years, I don't know that -- I
21 think people would ask themselves questions about that.

22 Q Is there anything else about the meeting with
23 Deputy Secretary Sullivan that you recall?

24 MR. ROBBINS: You mean the first meeting?

25

1 BY MR. GOLDMAN:

2 Q The meeting on April 29th.

3 A No, not right now.

4 Q Did you meet with anybody else after you met with
5 Deputy Secretary Sullivan while you were in Washington, D.C.,
6 about this matter?

7 A Well, at his request I met with him again the
8 following day, which I think --

9 Q I'm sorry, when you say "him," Deputy Secretary
10 Sullivan?

11 A Yes, sorry. And, I mean, it was a relatively short
12 meeting. I think he just wanted to make sure I was okay.
13 And, you know, he was kind of trying to point me to the
14 future on "So what do you think you would like to do next in
15 the Foreign Service" type thing. So --

16 Q Did you feel like the State Department supported
17 you still at this point?

18 A Yes. I mean, I think it was not a well-known story
19 at that time, but I think that anybody who was aware of it
20 was very supportive of me.

21 Q And did you meet with Secretary Pompeo at all while
22 you were in Washington?

23 A No.

24 Q Did you ever meet with him after that point?

25 A No.

1 Q Did you ever receive any communication from him?

2 A No.

3 Q Did you meet with any anybody else from the State
4 Department on the 30th or around that time?

5 A So maybe it was April or May 1st, the Wednesday of
6 that week, I met with Carol Perez, who is the head of
7 personnel, the Director General. She, you know -- so Deputy
8 Secretary Sullivan had said, you know, help her, you know,
9 find -- find employment basically.

10 And so Carol asked me what I would like to do next. And
11 I asked whether it would be possible to be a fellow at
12 Georgetown University. And that was arranged for me, and I'm
13 very grateful.

14 Q Just going back to Secretary Pompeo. Did you ever
15 ask to meet with him or speak to him?

16 A No. I asked to speak with the counselor, Ulrich
17 Brechbuhl, who had been handling this matter.

18 Q What do you mean by handling this matter?

19 A Exactly what I said. I mean, he was -- he seemed
20 to be the point person that Ambassador Reeker was talking to.

21 Q Did you speak with Counselor Brechbuhl?

22 A No.

23 Q Why not?

24 A He didn't accept the meeting request.

25 Q What effect, if any, do you think that this abrupt

1 recall has had on your career?

2 A Well, I mean, I wasn't planning a long career
3 afterwards. I mean, my plan A had been that I would come
4 back after my tour, a normal tour in the Ukraine, and retire.
5 So it's not like I was expecting an ambassadorship or
6 anything else. So I don't think from a State Department
7 point of view it has had any effect.

8 Q Because you were able to land at Georgetown, that's
9 been --

10 A Yes.

11 Q On May 14th, so this would have been about 2 weeks
12 later, Rudy Giuliani told a Ukrainian journalist that you
13 were recalled, quote, because you were part of the efforts
14 against the President, unquote. Do you recall that
15 statement?

16 A I do.

17 Q How did you react to that?

18 A You know, it was just more of the same. I mean, I
19 had no idea what he was talking about.

20 Q Did you ever badmouth President Trump in Ukraine?

21 A No.

22 Q Do you ever speak ill of U.S. policy in Ukraine?

23 A No. You know, I mean, I was the chief spokesperson
24 for our policy in Ukraine. And I actually felt that in the
25 3 years that I was there, partly because of my efforts, but

1 also the interagency team, and President Trump's decision to
2 provide lethal weapons to Ukraine, that our policy actually
3 got stronger over the three last 3 years.

4 Q You were very focused on anticorruption efforts in
5 Ukraine. Is that right?

6 A Uh-huh.

7 Q What impact do you think --

8 A Yes.

9 Q -- it would have -- what impact do you think it had
10 for someone acting as an agent of the President to be
11 encouraging Ukraine to open investigations for U.S. political
12 purposes? How did that impact the U.S. anticorruption
13 message?

14 A Well, I would say it's not -- could you rephrase
15 the question or repeat the question?

16 Q Sure. I was just asking that if Rudy Giuliani is
17 promoting these investigations that are related to American
18 politics --

19 A Uh-huh.

20 Q -- and you have testified here today about how part
21 of the anticorruption message is that investigations in
22 Ukraine should be conducted devoid of any political
23 influence, how would that impact your message, your
24 anticorruption message, if an agent of the President is
25 promoting investigations related to political interests?

1 A Well, that's what I was concerned about, and that's
2 what I asked the Deputy Secretary.

3 MR. GOLDMAN: Okay. I think our time is up.

4 THE CHAIRMAN: Let me ask you before we turn it over,
5 and what was his response when you raised that concern?

6 MS. YOVANOVITCH: Well, he said he'd have to think about
7 that.

8 THE CHAIRMAN: I yield to minority.

9 BY MR. CASTOR:

10 Q Were you aware of the President's deep-rooted
11 skepticism about Ukraine's business environment?

12 A Yes.

13 Q And what did you know about that?

14 A That he -- I mean, he shared that concern directly
15 with President Poroshenko in their first meeting in the Oval
16 Office.

17 Q What else did you know about it? Was it a source
18 of discussion at the embassy that the President was not
19 confident in Ukraine's ability to move past their corruption
20 issues?

21 MR. ROBBINS: So I should just say that we have been
22 instructed by the State Department that conversations
23 directly with the President of the United States are subject
24 to a potential executive department-based privilege. I don't
25 know exactly which one they would invoke if they were here,

1 but I rather suspect that a direct communication, as your
2 question is addressing, would elicit such an objection. It
3 isn't an objection that we hold.

4 MR. CASTOR: Okay.

5 MR. ROBBINS: It's one that we have pledged to assert.

6 MR. CASTOR: Got it. I got it.

7 BY MR. CASTOR:

8 Q The administration had concerns about corruption in
9 Ukraine, correct?

10 A We all did.

11 Q And were there efforts --

12 A We all did.

13 Q -- you know, once President Zelensky was elected,
14 were there efforts to convince the White House, convince the
15 National Security Council, that Zelensky was a genuine
16 reformer?

17 A That really would have been after I left. So he
18 was elected President on the 21st of April. I had the phone
19 conversation with Carol Perez on Wednesday the 24th. I
20 departed the Ukraine for the first time on the 26th of April.

21 On the 29th, I basically, even though I was still
22 ambassador technically, I basically took myself out of all --
23 kind of all of these sorts of issues because I didn't feel it
24 was proper, to tell you the truth.

25 And so I was in Washington for a couple weeks. I went

1 back to Ukraine to pack out for a week. And the day that I
2 departed Ukraine permanently was May 20th, which is the same
3 day that President Zelensky was inaugurated. So I didn't --
4 I wasn't privy to whatever the conversation was.

5 Q Can you testify to the difference the changes in
6 aid to Ukraine with the new administration starting in 2017?
7 The different initiatives, you know, as far as providing
8 lethal weapons and --

9 A Yeah. Well, I think that most of the assistance
10 programs that we had, you know, continued, and due to the
11 generosity of the Congress actually were increased. And so
12 that was a really positive thing, I think, for Ukraine and
13 for us.

14 In terms of lethal assistance, we all felt it was very
15 significant that this administration made the decision to
16 provide lethal weapons to Ukraine.

17 Q Did you advocate for that?

18 A Yes.

19 Q And did you advocate for that prior to the new
20 administration back in 2016?

21 A Well, yeah.

22 Q What was the hold up there? What was the issue
23 preventing it?

24 A So I arrived in Ukraine towards the end of August,
25 August 22nd of 2016, and President Trump was elected that

1 November, and then there was the inauguration in January.

2 So there wasn't -- there wasn't as much discussion about
3 all those things. I mean, I certainly had a strong view that
4 this would be a good thing. That was held by the interagency
5 both in Ukraine and I think in Washington as well. But there
6 were not, you know, just given the end of the administration,
7 there was not sort of a big ongoing discussion about that
8 issue at that time.

9 Q Was it a heavy lift to change the policy in the new
10 administration?

11 MR. ROBBINS: So, again, we have been given advice by
12 the State Department that questions of internal policy
13 discussions within the State Department are subject to some
14 executive department-based --

15 MR. MEADOWS: But, counsel, with all due respect, this
16 is not a personal conversation. This is policy that
17 obviously affected Ukraine that we are all very well aware
18 of. And so to suggest for her commenting on policy that has
19 already been implemented that somehow violates some
20 privilege, that just doesn't add up.

21 MR. ROBBINS: And I hope the Congressman will appreciate
22 that I'm not making this objection, I'm just relaying --

23 MR. MEADOWS: What I'm saying is that objection in the
24 obscure manner in which you're invoking it goes contrary to
25 all the other testimony that she's been giving. You know,

1 it's amazing, every hour you wake up, every other hour you
2 wake up.

3 And so I think it's totally appropriate, the chairman, I
4 believe, would agree, totally appropriate for her to give her
5 personal professional opinion on Ukrainian policy.

6 THE CHAIRMAN: Let me just interject here.

7 The State Department has not provided counsel with any
8 itemized list, as counsel requested, about what questions
9 could be answered or could not. They chose not to give any
10 guidance.

11 In light of that, it is the position of the chair that
12 the question is appropriate and the witness should be
13 permitted to answer it.

14 MR. MEADOWS: I thank the chairman.

15 MS. YOVANOVITCH: Could you repeat the question?

16 BY MR. CASTOR:

17 Q Basically trying to understand the difference in
18 the Obama administration to the Trump administration in aid
19 and support that was provided to Ukraine. You indicated --
20 you testified that you were in favor of lethal weapons. And
21 I think I had asked, was it a heavy lift on your end or your
22 allies to get the lethal weapons?

23 A These are big decisions, and so properly there is a
24 lot of discussion about it. And I can't compare, because I
25 was not in those discussions in the Obama administration.

1 But I think -- I'm trying to remember exactly when the
2 President made the decision. But it was -- there was a long,
3 a long lead up to it. I think it was a year and a half into
4 the administration.

5 I also would say, these are big decisions, especially
6 for a new administration.

7 Q What was the rationale not to provide lethal
8 weapons?

9 A I think that some may have had concerns that it
10 could be escalatory.

11 Q But ultimately you felt that the lethal weapons
12 were more important?

13 A Are you asking for my opinion?

14 Q Yes.

15 A Yes. I felt that it was important, although it was
16 also important -- I mean, I think, just to be clear, it's not
17 like we were providing unlimited numbers of Javelins. We
18 were providing a very set amount, and there are a lot fewer
19 Javelins than there are Russian tanks.

20 So it was a symbolic message to Russia and also to the
21 Ukrainians that we support Ukraine. And it was, I think, you
22 know, every Russian tanker knew that those Javelins were
23 coming to Ukraine -- or maybe were already in Ukraine -- and
24 it gives them pause when they are given an order.

25 So I thought it was important that if this war became a

1 tank war again, because it isn't right now, it was important
2 that Ukraine have them at their disposal for that kind of
3 massive onslaught. But its primary import was the symbolic
4 message that it sent.

5 Q Were you satisfied that the administration was
6 doing what was necessary to support Ukraine?

7 A In what respect?

8 Q In, you know, helping them deter Russian
9 aggression, helping them with foreign aid, foreign
10 assistance?

11 A Yeah.

12 Q Was it enough?

13 A I think that, you know, I was the ambassador to
14 Ukraine, so you always want more, right? So I think on the
15 nonmilitary side, we actually were sort of at capacity in
16 terms of what the Ukrainian government, Ukrainian civil
17 society could absorb.

18 I think on the other side, on the military security
19 side, I think we were still exploring ways that we could
20 provide additional assistance to Ukraine.

21 Q But things were moving in the right direction. Is
22 that a fair statement? Increasing?

23 A Certainly in the interagency. And, yes,
24 increasing.

25 Q Were you encouraged by that?

1 A Yes, I thought that was a positive.

2 Q And so were you pleased with the direction the
3 administration was heading with Ukraine policy?

4 A On the official policy side everything seemed to be
5 in order.

6 Q And on the unofficial side?

7 A Well, we had these other issues that were sending
8 perhaps a contradictory message to the Ukrainians.

9 Q But outside of the Lutsenko and the Giuliani?

10 A Well, I have to say that it was, you know, people
11 would ask me, are you being recalled?

12 Are you speaking for the President? Our country needs a
13 representative, whether it's me or somebody else, that speaks
14 for the administration.

15 Q That didn't -- you mentioned earlier this morning
16 that that didn't really take root until the fall of 2018. Is
17 that fair? Or did it start happening earlier?

18 A So --

19 Q You had about 2 years, right, before the Lutsenko
20 allegations really.

21 A Yeah. So my understanding -- or one of the things
22 I've heard, and maybe that's a rumor, is that the first
23 meeting, we actually heard this from one of Mr. Lutsenko's
24 deputies, that the first meeting between Mr. Lutsenko and
25 Mayor Giuliani was actually in June of 2018. There was the

1 Pete Sessions letter. There was, you know, as I now know,
2 the President's concerns that started in the summer of 2018.

3 I think that, you know, since there seems to be a back
4 channel, shall we say, between Ukrainian officials and
5 American officials -- or American people -- I think that
6 while I may not have been in the loop, I think others were.

7 Q Backing up a little bit, what was Vice President
8 Biden's role with Ukraine policy, to your knowledge?

9 A He was --

10 Q Did he have an official responsibility?

11 A Well, he was the Vice President. And he was the
12 one who sort of led the effort, an interagency effort on
13 helping Ukraine after 2014, the Maidan (ph), pulling our
14 assistance together, pulling our policy together. He was
15 very active in terms of managing the relationship with
16 President Poroshenko and with the prime minister.

17 Q And you may have mentioned this when we were
18 speaking before lunch, but when did the issues related to
19 Burisma first get your attention? Was that as soon as you
20 arrived in country?

21 A Not really. I first became aware of it when I was
22 being prepared for my Senate confirmation hearings. So I'm
23 sure you're familiar with the concept of questions and
24 answers and various other things.

25 And so there was one there about Burisma, and so, you

1 know, that's when I first heard that word.

2 Q Were there any other companies that were mentioned
3 in connection with Burisma?

4 A I don't recall.

5 Q And was it in the general sense of corruption,
6 there was a company bereft with corrupt?

7 A The way the question was phrased in this model Q&A
8 was, what can you tell us about Hunter Biden's, you know,
9 being named to the board of Burisma?

10 Q Once you arrived in country did the embassy staff
11 brief you on issues relating to Burisma?

12 A No, it was -- it was not -- I don't recall that I
13 was briefed on that. But I was drinking from a fire hose
14 when I arrived. I mean, there were a lot of things that were
15 going on. And as we spoke before, Burisma and the Zlochevsky
16 case was dormant. Not closed, but dormant.

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1 [3:09 p.m.]

2 BY MR. CASTOR:

3 Q Was it the general understanding that Burisma was a
4 company Burisma was a company that suffered from allegations
5 of corruption?

6 A Yes.

7 Q And it's -- the head of the company?

8 A Mr. Zlochevsky?

9 Q Yes, the former minister.

10 A What about him?

11 Q That he had at various times been under
12 investigation.

13 A Yes.

14 Q And was that characteristic of other oligarchs in
15 the Ukraine, or was that specific to him?

16 A Well, it is characteristic that there are --

17 Q Are they all under investigation? Do they all
18 battle allegations of corruption or --

19 A They all battle allegations of corruption. Some of
20 them are investigated, some for cause, some because it's an
21 easy way, as we discussed before, to put forward political
22 pressure on your political opponents. So yeah.

23 Q Did Burisma ever come up in your meetings with
24 Lutsenko?

25 A I don't believe so. I mean, to the best of my

1 recollection, I don't think so.

2 Q So subsequently, when Lutsenko raised issues of
3 Burisma, that caught you by surprise?

4 A Yeah.

5 Q Did Lutsenko mention any other companies in his --
6 you know, in his allegation that --

7 A I don't believe so.

8 Q -- you know, he was given instruction not to
9 investigate?

10 A I don't believe so.

11 Q Did anyone at the State Department -- when you were
12 coming on board as the new ambassador, did anyone at the
13 State Department brief you about this tricky issue, that
14 Hunter Biden was on the board of this company and the company
15 suffered from allegations of corruption, and provide you
16 guidance?

17 A Well, there was that Q&A that I mentioned.

18 Q But once you became the ambassador, did you have
19 any debriefings with the State Department that alerted you to
20 this, what could be a tricky issue?

21 A No. It was, as I mentioned, it just wasn't a front
22 burner issue at the time.

23 Q And did it ever become front burner?

24 A Well, only when Mr. Giuliani and Mr. Lutsenko kind
25 of raised it to what you see now, starting with that Hill

1 interview.

2 Q You talked about the Vice President, Vice President
3 Biden's advocating for the removal of Shokin, among other
4 institutions. The IMF was advocating for his removal, you
5 mentioned. Did the -- did anyone ever formally call for
6 Lutsenko's resignation in the same public way, whether it was
7 the IMF or --

8 A I don't believe so.

9 Q Okay. And can you account for why that is? Is it
10 because Lutsenko wasn't quite as bad as Shokin, or it just
11 hadn't -- it hadn't reached the dramatic climax there?

12 A Well, as I mentioned before, when you asked me this
13 question, I think that, you know, we were hopeful in the
14 beginning that we could have a really good working
15 relationship with him. He had three goals that he wanted to
16 pursue, and so, we were hopeful in the beginning, even though
17 we weren't seeing progress.

18 And then, of course, it got closer to Presidential
19 elections. It was pretty clear that Mr. Zelensky was going
20 to win, which he did. And we were hopeful that he would
21 replace Mr. Lutsenko, which he has done.

22 The other thing I would say is that, you know, as I said
23 before, you know, it's -- these are -- to use your phrase,
24 these are heavy lifts, and you need to make sure that the
25 international community is speaking with one voice and you

1 have to have a certain amount of leverage to do it, because
2 Mr. Lutsenko was a close -- I mean, not without controversy,
3 but he had a close working relationship with President
4 Poroshenko.

5 Q When you called for the removal of Kholodnitsky in
6 March, could you -- and I know I asked you this this morning,
7 and I apologize for asking you again, if you think I am, but
8 could you just walk us through all the facts that you had
9 that led to your decision to call for his removal, to the
10 extent you can remember them.

11 Obviously, this is earlier this year, many months have
12 elapsed, but if you could just walk us through the thought
13 process there, I think that might be helpful.

14 A Yeah. We were very concerned that there was a
15 tape, which he acknowledged was genuine, and that everybody
16 would understand once the circumstances were out, where he is
17 coaching witnesses for how to avoid prosecution, et cetera,
18 in anticorruption cases that, as I understood it, were in
19 front of both NABU and his office.

20 That seemed to us -- not just to us but to the entire
21 international community and any Ukrainian that was paying
22 attention, to be beyond the pale. I mean, this is a man who
23 was put in his position to fight corruption, and yet there he
24 is on tape coaching witnesses how to obstruct justice.

25 And so there was a process that the Ukrainian Government

1 went through. Mr. Lutsenko, in the end, made a decision
2 that, you know, he was not going to remove Mr. Kholodnitsky.
3 And I would say that it really undermined the credibility of
4 the special anticorruption prosecutor when you have the guy
5 who's there at the top not holding true to the mission of
6 that office.

7 Q Was there any blow-back to your call for removal?

8 A Yes. There was -- there was a lot of criticism.

9 Q On which different fronts?

10 A Well, the -- Kholodnitsky himself, as you can
11 imagine, was not happy with that. There were -- you know,
12 there was other criticism in kind of pro-Poroshenko,
13 pro-administration media and so forth.

14 Civil society, others who, you know, perhaps are more
15 genuine in their desires to transform Ukraine, were very
16 happy. So, you know, as always, in any controversy, there's
17 two sides.

18 Q And your decision to call for the removal, was that
19 something that was the product of just people on -- you know,
20 U.S. officials in country, or was that something you
21 socialized with Washington before you did it?

22 A I believe -- you know, I'm forgetting now, but I
23 believe I socialized it with Washington. If I didn't,
24 somebody else did.

25 Q And was it more of a heads-up or is that something

1 you need to get authorization for?

2 A I think it was more of a heads-up.

3 Q But nobody expressed any concerns?

4 A No.

5 MR. CASTOR: I want to pivot to Mr. Zeldin.

6 Twenty-two minutes.

7 MR. ZELDIN: Ambassador, going back to page 6 of your
8 opening statement this morning, we discussed the bullet
9 starting with "as for events during my tenure in Ukraine."
10 And there was a brief discussion to follow in question and
11 answer with regards to which cases you did, in fact, end up
12 asking the government to refrain from investigating or
13 prosecuting, and the NABU case was the only specific case
14 that was referenced in that Q&A this morning.

15 MS. YOVANOVITCH: And if I may just correct the record,
16 that I think what I said is there was a discussion. I don't
17 believe I have ever said, you know, don't prosecute this
18 individual. But what I did say is that it's important to do
19 these things according to the rule of law and not on a
20 politically motivated basis.

21 MR. ZELDIN: Do you recall how many cases you discussed
22 with Ukraine?

23 MS. YOVANOVITCH: No.

24 MR. ZELDIN: Was the NABU -- can you give us an
25 estimate? I mean, are we talking about 5, 20, 50, 100?

1 MS. YOVANOVITCH: Honestly, I don't know. And as I told
2 your colleague, the -- most of the relationship with any of
3 these law enforcement offices was not -- that's not what I
4 did. There were others in the embassy, whether it was the
5 FBI, whether it was other State Department officers, other
6 agencies. They were the ones who handled those
7 relationships.

8 MR. ZELDIN: But in addition to the NABU case, did you
9 discuss any other individual cases with Ukraine?

10 MS. YOVANOVITCH: Yeah, probably.

11 MR. ZELDIN: And can you estimate? Are we talking about
12 five or are we talking about 5,000? Can you give us some
13 perspective as to how many individual cases you discussed
14 with Ukraine?

15 MS. YOVANOVITCH: Well, it certainly isn't 5,000. I
16 wish there were that many cases on anticorruption in Ukraine.
17 But honestly, I don't know, and I don't want to mislead you.

18 MR. ZELDIN: But the number is more than one, but you
19 can't tell us anything beyond that?

20 MS. YOVANOVITCH: Yes, that is correct.

21 MR. ZELDIN: And when you would discuss individual cases
22 with Ukraine, how would you reference the case in your
23 conversation? Earlier, there was back-and-forth where you
24 stated that there was -- you don't recall ever discussing an
25 entity and you only recall discussing a name once. So how

1 would you reference the case in your conversation with
2 Ukraine if you weren't referencing it by entity or name?

3 MS. YOVANOVITCH: Well, earlier, what we were
4 specifically talking about was the allegations against me,
5 that I was giving instructions not to prosecute, right? So
6 when you asked the question, you were asking did we talk
7 about cases. That's a different set of circumstances.

8 MR. ZELDIN: Okay. I'm asking how many cases,
9 individual cases did you speak to Ukraine about? The only
10 answer I've been able to get so far is that the answer is
11 more than one. You can't recall ever referencing entities in
12 that conversation, and you only recall referencing a name
13 once. So I'm asking, in that conversation with Ukraine about
14 individual cases, how did you reference the case if you
15 weren't referring to entity or name?

16 MS. YOVANOVITCH: I mean, I'm sorry, I don't -- I can't
17 answer your question. I don't know.

18 MR. ZELDIN: Did you use case numbers? Did you -- was
19 there code? How did you reference these individual -- how
20 did you have a conversation with Ukraine about an individual
21 case, not referencing name or entity?

22 MS. YOVANOVITCH: I mean, I -- ask me again. I just
23 don't know what you're trying to get at.

24 MR. ZELDIN: Okay. You stated that you spoke to Ukraine
25 about individual cases of corruption. You stated that you

1 spoke to them about more than one case, but you don't know
2 how many cases. How did you engage in a conversation with
3 Ukraine on -- how did you reference an individual case with
4 Ukraine if you weren't referencing entity or name?

5 MS. YOVANOVITCH: So here's the thing: I know that we
6 spent a lot of today talking about anticorruption cases.
7 That's not the whole universe out there. So when I spoke to
8 you about Mr. Sytnyk in that respect, I mean, that is what I
9 recall in that sphere, but I know there were other areas.
10 And how would we have referred to it? Certainly not by case
11 number, I'm not in the weeds like that, but by somebody's
12 name. But --

13 MR. ZELDIN: How many corruption cases -- aside from
14 NABU, did you speak to Ukraine about other corruption cases?

15 MS. YOVANOVITCH: Well, at this point, I only recall
16 that -- you know, and in this context where you are asking me
17 whether -- or one of you was asking me whether I told people
18 not to prosecute, right? So, in that context, what I recall
19 now is the conversation with regard to Mr. Sytnyk.

20 MR. ZELDIN: Okay. But just to clarify so that there's
21 no misunderstanding, my question is, how many individual
22 cases did you speak to Ukraine about related to corruption?
23 Is your answer one, or is your answer more than one?

24 MS. YOVANOVITCH: You know, at this point, I can't
25 recall anything else.

1 MR. ZELDIN: To clarify one other thing about your
2 opening statement, turning to page 7, the next bullet after
3 the one that we were just discussing, there's a sentence that
4 said: I have heard the allegation in the media that I
5 supposedly told the embassy team to ignore the President's
6 orders, quote, "since he was going to be impeached." That
7 allegation is false.

8 Just to clarify, so we understand the wording of your
9 opening statement, when you say, "that allegation is false,"
10 is that specifically with regards to that quote, or are you
11 saying that you never told the embassy team to ignore the
12 President's orders?

13 MS. YOVANOVITCH: Both. I never told anybody in the
14 embassy or anyplace else to ignore the President's orders.
15 That would be wrong.

16 MR. ZELDIN: That's why I'm asking the question, just so
17 we're on the same page. Go ahead.

18 MR. ROBBINS: She hadn't finished her answer. Are you
19 done?

20 MS. YOVANOVITCH: Yeah. I just I guess also wanted to
21 say that I certainly never said that the President was going
22 to be impeached, because I didn't believe that at the time, I
23 mean, you know, when I was still in Ukraine.

24 MR. ZELDIN: Thank you. I wanted to understand what you
25 were saying when you said the allegation is false, to make

1 sure you weren't specifically just referring to your quote
2 and you were, in fact, talking about --

3 MS. YOVANOVITCH: Thank you for clarifying.

4 MR. ZELDIN: Have you read the July 25th transcript of
5 the call between President Trump and President Zelensky?

6 MS. YOVANOVITCH: Yes.

7 MR. ZELDIN: And did you read what President Zelensky
8 had to say about you?

9 MS. YOVANOVITCH: Yes.

10 MR. ZELDIN: When did you first meet President Zelensky?

11 MS. YOVANOVITCH: In September of 2018.

12 MR. ZELDIN: And how would you characterize your
13 relationship with President Zelensky?

14 MS. YOVANOVITCH: I mean, I didn't meet him often enough
15 to have, you know, kind of a relationship, but I thought that
16 we were off to a good start. I met with him for over an hour
17 on the 20th of April, the day before the final round of
18 Presidential elections.

19 All of us thought that that was a really positive sign
20 of, you know, Ukrainian -- the new administration's, because
21 we were pretty sure he was going to win, interest in a strong
22 relationship with the United States. And so I thought it was
23 a pretty good relationship.

24 MR. ZELDIN: So President Zelensky, as you know, in the
25 transcript didn't have some nice things to say about you. He

1 referred to you as, quote, "a bad ambassador." This is going
2 to be hard to hear, but in order to ask the question. Quote:
3 Her attitude towards me was far from the best, as she admired
4 the previous President and she was on his side. She would
5 not accept me as a new President well enough.

6 Is there anything in your interactions with President
7 Zelensky directly that you recall that would support that
8 statement of President Zelensky?

9 MS. YOVANOVITCH: No. I was very surprised by that
10 statement.

11 MR. ZELDIN: Do you know where President Zelensky formed
12 his opinion about your loyalty to the prior ambassador, your
13 attitude towards President Zelensky, calling you a bad
14 ambassador? Do you know where President Zelensky got that
15 from?

16 MS. YOVANOVITCH: I have no idea.

17 MR. ZELDIN: And how would you characterize your
18 relationship with Poroshenko?

19 MS. YOVANOVITCH: Complicated.

20 MR. ZELDIN: Did you get along with him? Was it
21 cordial, adversarial?

22 MS. YOVANOVITCH: It was cordial, but I think he
23 believed that I was insufficiently supportive, that I -- I
24 and the embassy talked too much about the things that still
25 needed to be done without giving proper credit with the

1 things that had been done and had been accomplished.

2 MR. ZELDIN: How would you characterize your
3 relationship with former Vice President Biden?

4 MS. YOVANOVITCH: I mean, I've met him, I don't know, a
5 handful of times over, you know, the years that I've been in
6 government service.

7 MR. ZELDIN: What was the closest that you've worked
8 with Vice President Biden? What position? When? When did
9 you have that opportunity to interact with him the most?

10 MS. YOVANOVITCH: Probably when I was ambassador to
11 Ukraine in the waning days of the Obama administration, where
12 there -- I only met him once in that period of time in
13 January of 2017, his last trip to Ukraine.

14 But there were phone calls between former Vice President
15 Biden and the Prime Minister and the President, and so there
16 would be preparatory calls to, you know, get him up to speed
17 on the issues, and then we would often be on the line as
18 well.

19 MR. ZELDIN: Earlier, you were asked about Burisma and
20 Hunter Biden. Vice President Biden was the point man for
21 relationships between the Obama administration and Ukraine.
22 Were you aware at that time of Hunter Biden's role with
23 Burisma?

24 MS. YOVANOVITCH: Yes. As I mentioned, I became aware
25 during the Q&A in the prep for my testimony.

1 MR. ZELDIN: Were you aware of just how much money
2 Hunter Biden was getting paid by Burisma?

3 MS. YOVANOVITCH: No, I wasn't aware of that.

4 MR. ZELDIN: Did you know that he was getting paid by
5 Burisma?

6 MS. YOVANOVITCH: I can't say that as a fact, but I
7 assumed he was.

8 MR. ZELDIN: You have -- you now know that Hunter Biden
9 was getting paid money from Burisma for his position?

10 MS. YOVANOVITCH: Yes, according to the news reports.

11 MR. ZELDIN: But while you were serving with Vice
12 President Biden, you were not aware of, at any point, Hunter
13 Biden being paid for that position?

14 MS. YOVANOVITCH: Well, as I said, I assumed he was
15 since it is, you know, corporate practice that you pay board
16 members, but this was not, as we discussed earlier -- Burisma
17 wasn't a big issue in the fall of 2018 -- 2016, when I
18 arrived.

19 MR. ZELDIN: When you state that Burisma, the
20 investigation was dormant, if I understand your testimony at
21 the beginning of the day, you base that word from press
22 reports that you read?

23 MS. YOVANOVITCH: Yeah, but I think there was also --
24 you know, I think there was other -- other information, and I
25 don't recall exactly what. But the impression that I had was

1 that it wasn't closed because it was convenient to -- it was
2 a convenient lever to put pressure on Burisma or the owner of
3 the company.

4 MR. ZELDIN: What's your source outside of press
5 reports?

6 MS. YOVANOVITCH: I don't recall.

7 MR. ZELDIN: Is it possible that you didn't -- I'm
8 trying to understand, because -- I'm trying to understand
9 your testimony, because earlier in the day you said that,
10 based on press reports, your understanding was that it was
11 dormant. You may have had additional information it was
12 dormant, or you don't know?

13 MS. YOVANOVITCH: Yes. And all I can tell you is it was
14 a long time ago and it just wasn't a big issue.

15 MR. ZELDIN: So I just want to understand your position.
16 Obviously, you knew that Burisma was dormant, based on press
17 reports. That was what you stated earlier.

18 MS. YOVANOVITCH: Uh-huh.

19 MR. ZELDIN: But you're saying that you may have had
20 other information, but you don't recall that now?

21 MS. YOVANOVITCH: I may have had other information, but
22 I don't recall how I had that impression that it was being
23 used as a lever to turn the pressure on and off. Maybe that,
24 too, came from the press, or maybe it was, you know, somebody
25 who told me that. I just don't recall.

1 MR. ZELDIN: Are you aware of a May 4th, 2018, letter
2 sent to Lutsenko from three Senate Democrats, Menendez,
3 Leahy, and Durbin?

4 MS. YOVANOVITCH: 2018?

5 MR. ZELDIN: May 4th of 2018?

6 MS. YOVANOVITCH: Can you refresh my memory?

7 MR. ZELDIN: May 4th, 2018, there was a letter sent to
8 the prosecutor general from three Democratic Members of the
9 United States Senate: Robert Menendez, Patrick Leahy, and
10 Richard Durbin.

11 THE CHAIRMAN: Mr. Zeldin, can you show her the letter?

12 MR. ZELDIN: Yes, we can enter it into an exhibit if we
13 want to make a copy if we want to pause the time.

14 THE CHAIRMAN: Do you have only the one copy?

15 MR. ZELDIN: I would be happy if there's a way to make a
16 copy, we can formally enter it into as an exhibit.

17 So we'll come back to the question with regards to May
18 4, 2018. I'm going to turn it over to Mr. Jordan.

19 MR. JORDAN: Ambassador, so in your testimony on page 4,
20 you talk about two wars, the war with Russia and, of course,
21 the war on corruption, which we've talked a lot about today.
22 I just want to make sure I got everything straight from the
23 first hour with questioning from, I believe, Mr. Goldman and
24 maybe Mr. Castor.

25 So Shokin and Poroshenko were good friends. You said

1 they were godfather to each other's children.

2 MS. YOVANOVITCH: Yes.

3 MR. JORDAN: Right?

4 MS. YOVANOVITCH: Yes.

5 MR. JORDAN: And Mr. Shokin is a bad guy. Everyone, I
6 think you said that pretty much the whole darn world wanted
7 him fired. Is that right?

8 MS. YOVANOVITCH: Yes. And just to recall, that was
9 before I arrived.

10 MR. JORDAN: But then the guy they replaced him with is
11 also a friend of Mr. -- of the President, right?

12 MS. YOVANOVITCH: I don't know if they're friends in the
13 same way, but they've certainly, you know, been political
14 allies for a great many years, on and off.

15 MR. JORDAN: I think you said in the first hour this
16 morning, you said Mr. Lutsenko is cut from the same cloth as
17 Mr. Shokin. Is that right?

18 MS. YOVANOVITCH: Yes.

19 MR. JORDAN: And you've indicated here several times
20 that Mr. Lutsenko is not the kind of prosecutor we want when
21 you're dealing with a war on corruption.

22 MS. YOVANOVITCH: That's certainly my opinion.

23 MR. JORDAN: In your testimony, your written testimony,
24 you said that in oligarch-dominated Ukraine, where corruption
25 is not just prevalent, it is the system -- so this is like

1 this is as important as it gets. So the one bad guy goes,
2 the other bad guy comes in, and Mr. Poroshenko is the guy
3 responsible for both of these bad guys being the top guy to
4 deal with corruption. Is that fair?

5 MS. YOVANOVITCH: Uh-huh.

6 MR. JORDAN: Then, as Mr. Zeldin indicated --

7 THE CHAIRMAN: I'm sorry, can you just say yes or no?

8 MS. YOVANOVITCH: Yes.

9 MR. JORDAN: As Mr. Zeldin indicated -- oh, in your
10 statement then on the same page, you said: In the 2019
11 Presidential election, you got this reformer coming along who
12 has made ending corruption his number one priority. See that
13 on page 4, middle of page 4?

14 MS. YOVANOVITCH: Uh-huh.

15 MR. JORDAN: And that's referring to current President
16 Zelensky. Is that right?

17 MS. YOVANOVITCH: That's correct.

18 MR. JORDAN: So this is like this is what you want, this
19 is the guy. You got Poroshenko, who had Shokin, who's bad,
20 Lutsenko he replaced him with, who's just as bad, cut from
21 the same cloth. And now you get a guy elected who is as good
22 as it gets, right?

23 MS. YOVANOVITCH: Well, let me just recast that, if
24 possible, and if my counsel allows. So just as I don't
25 believe Ukrainians should be interfering in our elections, I

1 don't think Americans should be interfering in Ukrainian
2 elections.

3 MR. JORDAN: I'm not asking that. I'm just saying --
4 I'm just looking at what you said. You said, this guy
5 Zelensky's number one priority, what he ran the entire
6 campaign on was ending corruption. Fair enough?

7 MS. YOVANOVITCH: That's what he said, but let me just
8 tell you, assuming I can say this, what my advice was to the
9 State Department, that we don't -- you know, we can't really
10 make -- there were many people very comfortable with
11 Mr. Poroshenko. But we don't have either the pull nor should
12 we try to indicate in any way that we have favorites, number
13 one.

14 Number two, all three of the top candidates -- there was
15 also Yuliya Timoshenko, who you probably know. All three of
16 the top candidates are flawed in some way, as, you know,
17 frankly, all of us are. But we could probably work with each
18 of them. And that what we need to do in the preelectoral
19 period is to -- somebody, I think you asked, you know, how do
20 we do that outreach during campaigns and everything.

21 We need to keep those lines open so that whoever wins,
22 we will be able to get in through the door and start
23 advancing our -- continuing our advances, if it was
24 Poroshenko, of the advance of U.S. interests, or start
25 advancing those interests with new partners. So that's what

1 was the most important thing. So we didn't have a dog in
2 that fight. I just want to make that clear.

3 MR. JORDAN: I'm not asking that. I'm just saying, this
4 guy comes along, runs a campaign base, on your testimony,
5 your written testimony, that his number one focus was dealing
6 with corruption, and he wins overwhelmingly. So he wins, he
7 gets elected, and yet, when he's having a call with the
8 President of the United States, he says he's glad you're
9 being recalled.

10 And I'm wondering, like, how does that happen? The guy
11 who is all about dealing with anticorruption and focused on
12 that who wins a major overwhelming win, how does he form that
13 judgment if that has been the entire focus and, as you say,
14 an actual war that goes on in his country dealing with
15 corruption?

16 MS. YOVANOVITCH: I don't know. As I told you before,
17 everybody before, I was very surprised, because I thought we
18 had a good beginning to a good relationship.

19 MR. JORDAN: But I think you said to Mr. Goldman, you
20 thought he was responding to what President Trump said to him
21 when he said that you were bad news. Is that -- you said
22 that earlier?

23 MS. YOVANOVITCH: I think there's a certain element to
24 that.

25 MR. JORDAN: But he didn't just -- it seems to me if he

1 was responding that way, he would say, okay, Mr. President, I
2 agree with you, but he didn't say that. He said, she admired
3 the previous President and was on his side. And you just
4 told me you don't do that.

5 So I'm wondering how the current President of Ukraine
6 felt that you were on the side of Mr. Poroshenko and said
7 this to the President of the United States.

8 MS. YOVANOVITCH: I have no idea, because I think if you
9 ask President Poroshenko, he would not agree with that
10 statement.

11 THE CHAIRMAN: The time is expired. Would you like to
12 take a little break?

13 MR. ROBBINS: Thank you.

14 THE CHAIRMAN: Why don't we take about a 5- or 10-minute
15 break.

16 [Recess.]

17 THE CHAIRMAN: Okay, let's go back on the record.

18 I just had a couple follow-up questions and then I want
19 to pass it over to Mr. Mitchell.

20 My colleague in the minority asked you if official
21 policy towards the Ukraine was, in your view, good policy,
22 and I think you said that it was. Is that right?

23 MS. YOVANOVITCH: Yes.

24 THE CHAIRMAN: And, indeed, you were the spokesperson
25 for that official policy?

1 MS. YOVANOVITCH: Yes.

2 THE CHAIRMAN: I think what you've described, though, is
3 the problem wasn't the official policy. The problem was the
4 unofficial or back channel being executed by Mr. Giuliani,
5 his associates, and possibly others. Was that the issue?

6 MS. YOVANOVITCH: Yes. It complicated things.

7 THE CHAIRMAN: And it complicated things, not the least
8 in part because the message you were advocating, as the
9 representative of the United States, was, Ukraine, you should
10 be fighting corruption; and here you had people that were
11 potentially engaging in corruption, advocating through a back
12 channel to the White House?

13 MS. YOVANOVITCH: So when we say "people," are we
14 talking about Ukrainian people?

15 THE CHAIRMAN: Well, it may involve Ukrainian people,
16 but if the policy of the United States is not to be engaging
17 in political prosecutions or political investigations, and
18 you have a lawyer for the President advocating with Ukrainian
19 officials to do exactly that, to engage in political
20 investigations and prosecutions, didn't that run directly
21 contrary to U.S. policy and an anticorruption message?

22 MS. YOVANOVITCH: I believe it did.

23 THE CHAIRMAN: I also wanted to ask you, Mr. Zeldin read
24 you a portion of the call record in which he quoted the call
25 record as saying, referring to you: Her attitude towards me

1 was far from the best, as she admired the previous President,
2 et cetera. Mr. Zeldin didn't read you the line immediately
3 before that, so let me read that to you. President Zelensky
4 says: It was great that you were the first one who told me
5 that she was a bad ambassador, because I agree with you 100
6 percent.

7 Now, do you know whether President Zelensky is referring
8 to the fact that the President had brought you up in the
9 conversation first, or whether the President had brought you
10 up in a prior conversation?

11 MS. YOVANOVITCH: I don't know. I had assumed it was
12 the April 21st phone call, that first phone call, because
13 that, to my knowledge, is the only time -- other time that
14 they talked. But you're right, I mean, maybe it could be
15 earlier in this transcript.

16 THE CHAIRMAN: Do you know whether part of the reason
17 you didn't get a readout of the first call may have involved
18 the President bashing you in the first call?

19 MS. YOVANOVITCH: It's possible.

20 THE CHAIRMAN: Now, President Zelensky desperately
21 wanted a meeting with the President at the White House,
22 didn't he?

23 MS. YOVANOVITCH: Yes.

24 THE CHAIRMAN: And that kind of a meeting is important
25 for a new President to show they have a relationship with the

1 U.S. President?

2 MS. YOVANOVITCH: Yes.

3 THE CHAIRMAN: And this is at a time in which Ukraine is
4 militarily dependent on the United States?

5 MS. YOVANOVITCH: Yes.

6 THE CHAIRMAN: Economically dependent on the United
7 States?

8 MS. YOVANOVITCH: To a certain extent, yes.

9 THE CHAIRMAN: Diplomatically dependent on the United
10 States?

11 MS. YOVANOVITCH: We are the most important partner for
12 Ukraine.

13 THE CHAIRMAN: And because we're the most important
14 partner for Ukraine, the President is the most important
15 person in that partnership with the United States?

16 MS. YOVANOVITCH: Yes.

17 THE CHAIRMAN: So maintaining, establishing a
18 relationship is really important to this new President
19 Zelensky?

20 MS. YOVANOVITCH: Critical.

21 THE CHAIRMAN: And does President Zelensky, therefore,
22 in this conversation, have an incentive to agree with the
23 President?

24 MS. YOVANOVITCH: Yes, I think so.

25 THE CHAIRMAN: And if he believes that the President

1 doesn't like the former U.S. Ambassador to the Ukraine, does
2 it make sense for him to express his agreement with the
3 President?

4 MS. YOVANOVITCH: Yeah, absolutely, especially since I
5 was already gone.

6 THE CHAIRMAN: And prior to this call, there had been an
7 effort to get Ukraine to initiate two investigations that
8 would be politically beneficial to the President, one
9 involving the 2016 election and one involving the Bidens. Is
10 that right?

11 MS. YOVANOVITCH: Yes.

12 THE CHAIRMAN: And those efforts you now can tell us
13 involved Rudy Giuliani and some of his associates?

14 MS. YOVANOVITCH: So yes, I think that's true. Yes.

15 THE CHAIRMAN: My colleague will ask you more questions
16 about this, but at the time that this was going on -- and
17 most of our questions to you have been what you knew at the
18 time that this was going on when you were the ambassador.
19 You now know a lot more has come out since and text messages
20 and whatnot.

21 Generally, what can you tell us now, looking back on
22 what was going on that you only dimly understood, what can
23 you tell us now that was going on in the run-up to this call?

24 MS. YOVANOVITCH: I -- I mean, I don't have -- I mean,
25 since I wasn't there, I mean, I left May 20th, and this -- of

1 course, this phone call took place 2 months later. So I -- I
2 can't actually really tell you beyond what I've seen of the
3 texts back and forth and so forth that, you know, this
4 investigation unearthed.

5 THE CHAIRMAN: Now, when you got recalled as ambassador,
6 were you replaced as ambassador?

7 MS. YOVANOVITCH: Bill Taylor, Ambassador Bill Taylor
8 went out as Charge.

9 THE CHAIRMAN: And what was Ambassador Sondland's role?

10 MS. YOVANOVITCH: Ambassador Sondland is, of course, our
11 ambassador to the EU, and he took a special interest in
12 Ukraine and Georgia I know. I don't know whether he took on
13 other countries.

14 THE CHAIRMAN: And had he taken on that interest while
15 you were still there or that happened after you left?

16 MS. YOVANOVITCH: It started while I was still there.
17 And he came in February. He and Ambassador Volker sort of
18 put together a delegation of EU important figures to come to
19 Odessa, Ukraine, when we had a ship visit. And so, that was
20 actually a really good initiative to show the U.S. and Europe
21 together supporting Ukraine. This, as you will recall, was
22 several months after the Russians seized three ships and the
23 21 sailors.

24 THE CHAIRMAN: Mr. Mitchell.

25 BY MR. MITCHELL:

1 Q Good afternoon.

2 A Hi.

3 Q You testified earlier that the first time you
4 became aware of the May 2018 letter from then-Congressman
5 Sessions was the following year in approximately late March
6 of 2019, as a result of the John Solomon article in The Hill.
7 Is that correct?

8 A That is correct.

9 MR. HECK: Mr. Mitchell, please pull the mic closer.

10 BY MR. MITCHELL:

11 Q Are you aware of the reporting that Mr. Parnas and
12 Mr. Fruman, who we've discussed earlier are associates of
13 Mr. Giuliani, had dinner with Congressman Sessions the day
14 that that letter was sent?

15 A Well, I've become aware of reporting to that effect
16 recently.

17 Q And you testified earlier that you learned from, I
18 believe, a deputy of Mr. Lutsenko that there were rumors that
19 Mr. Giuliani had met with Mr. Lutsenko sometime in the summer
20 of 2018. Is that correct?

21 A Yes.

22 Q That's around the same time that Congressman
23 Sessions sent this letter about you?

24 A Yes.

25 Q You also testified earlier today about a meeting

1 that you had, I believe, with Mr. Giuliani in approximately
2 June of 2017. Is that right?

3 A Uh-huh.

4 Q In connection with the Victor Pinchuk Foundation?

5 A Yes.

6 Q And you indicated obviously, Mr. Giuliani was there
7 and you were there?

8 A Yes.

9 Q Was Mr. Poroshenko there as well?

10 A No.

11 [Majority Exhibit No. 1]

12 was marked for identification.]

13 BY MR. MITCHELL:

14 Q I'm going to hand you a press release from the
15 Pinchuk fund. I'm going to mark it as Majority Exhibit No.
16 1. Take your time reading it, ma'am, but I'm going to direct
17 your attention to the very last paragraph.

18 A [Witness reviewed the document.]

19 Q So I'm going to direct your attention to the very
20 last paragraph. This is a point that I think we can quickly
21 dispatch with. It says: Besides giving the lecture, Rudy
22 Giuliani met with the President of Ukraine, Petro Poroshenko,
23 the Prime Minister, the Kyiv mayor, as well as Prosecutor
24 General of Ukraine, Yuriy Lutsenko. Do you see that?

25 A Yes, I do.

1 Q Were you part of that meeting?

2 A No.

3 Q Were you aware that Mr. Giuliani met with
4 Mr. Lutsenko in connection with this Victor Pinchuk
5 Foundation?

6 A I don't think I knew that.

7 Q Have you seen the indictment against Mr. Parnas,
8 Mr. Fruman, and others that was unsealed yesterday, I believe
9 it was?

10 A I haven't read it, but I've read about it.

11 [Majority Exhibit No. 2

12 was marked for identification.]

13 BY MR. MITCHELL:

14 Q I'm going to hand you Majority Exhibit No. 2, and,
15 again, I'm going to direct you to particular spots in the
16 indictment. I'm going to start the bottom of page 7.
17 Paragraph 17, are you there?

18 A Yes.

19 Q It says in the middle: These contributions were
20 made for the purpose of getting influence with politicians so
21 as to advance their own personal financial interests and the
22 political interests of Ukrainian Government officials.

23 A I'm sorry, where are you reading?

24 Q Page 7, paragraph 17.

25 A Okay. I'm with you now.

1 MR. ROBBINS: You're starting in the middle of a
2 sentence.

3 MR. MITCHELL: Correct.

4 BY MR. MITCHELL:

5 Q I'll start at the beginning: Much as with the
6 contributions described above, these contributions were made
7 for the purpose of gaining influence with politicians so as
8 to advance their own personal financial interests and the
9 political interests of Ukrainian Government officials,
10 including at least one Ukrainian Government official with
11 whom they were working.

12 Do you know who the Ukrainian Government officials with
13 whom they were working?

14 A No.

15 Q On page 8, the following page, the paragraph in the
16 middle, it's paragraph number 1. It says: At and around the
17 same time Parnas and Fruman committed to raising those funds
18 for Congressman 1, Parnas met with Congressman 1 and sought
19 Congressman 1's assistance in causing the U.S. Government to
20 remove or recall the then U.S. Ambassador to Ukraine, the
21 ambassador. Do you understand that reference to be to you?

22 A I do.

23 Q And then the next sentence says: Parnas' efforts
24 to remove the ambassador were conducted, at least in part, at
25 the request of one or more Ukrainian Government officials.

1 Do you know who those one or more Ukrainian Government
2 officials are?

3 A No.

4 Q What was your reaction when you first saw these
5 allegations concerning you in this indictment?

6 A Again, I mean, just feel shock.

7 Q Do you have any reason to believe that the
8 Ukrainian Government officials referenced here could involve
9 Mr. Lutsenko?

10 A I think that would be a good guess.

11 Q Now, you testified earlier, with regard to
12 Mr. Lutsenko, that the Burisma investigation was dormant --
13 and I might have written this down incorrectly, but I want to
14 make sure I have it correct -- because it was useful to have
15 that hook I think is what I wrote down. Do I have that
16 right?

17 A Yes.

18 Q What did you mean by that?

19 A That because -- because Ukraine is not yet a rule
20 of law country, prosecutions are used as leverage over people
21 for -- to acquire funds, to get them to do certain things or
22 whatever. And so, if you have a case that is not completely
23 closed, it's always there as a way of keeping somebody, as I
24 said before, on the hook. That was, you know, something that
25 I had understood by that phrase "dormant."

1 Q So it could keep Burisma on the hook?

2 A Yes.

3 Q It could keep anyone involved in Burisma on the
4 hook?

5 A Uh-huh.

6 Q You have to answer yes or no.

7 A Yes. Yes.

8 Q And it could keep anyone interested in the
9 investigation on the hook?

10 A What do you mean by that?

11 Q So if Mr. Lutsenko, as I believe you are
12 suggesting -- correct me if I'm wrong -- had the Burisma
13 investigation in his back pocket, and that he had the
14 authority or the power to revive the investigation at will --

15 A Yes.

16 Q -- he could use that as a hook to, or as leverage
17 against Burisma, correct?

18 A Yes.

19 Q Against people involved with Burisma --

20 A Yes.

21 Q -- or people who would actually want that
22 investigation to go forward?

23 A Uh-huh.

24 Q Is that correct?

25 A Yeah.

1 Q You testified a little bit about the July 25th
2 call.

3 A Yes.

4 Q And that was long after you had left --

5 A Yes.

6 Q -- the ambassadorship in Ukraine, and since you've
7 been working at Georgetown. Is that correct?

8 A Yes.

9 Q When did you first learn of the contents of the
10 July 25th call between President Trump and President
11 Zelensky?

12 A The day it was made public, like about 2 weeks ago,
13 by the White House.

14 Q What about the general subject matter of that call?
15 Did you learn anything about what was discussed between the
16 two Presidents from sources other than simple press
17 reporting?

18 A Yes. In passing, Deputy Assistant George Kent had
19 mentioned that there was this phone call.

20 Q And did Deputy Assistant George Kent say anything
21 about what took place during that call?

22 A He -- I mean, I'm trying to recall now exactly what
23 he said, but he -- he did indicate that there had been a
24 request by the President for assistance, as we now know, but
25 my understanding of that conversation with Mr. Kent was that

1 President Zelensky had not sort of agreed, and that he noted
2 that, you know, it was the previous administration that was
3 responsible for some of these things and that he was going to
4 have his own prosecutor.

5 Q And what was your reaction to Mr. Kent's recitation
6 of the substance of this call?

7 A My reaction was that, you know, to be frank, a
8 little bit of dismay that President Trump had made those
9 requests. And I was happy that President Zelensky had
10 apparently not acceded.

11 Q And, again, that was based on information that
12 Mr. Kent had provided to you and what you believed to be the
13 truth at the time?

14 A Yes.

15 Q And since then, you've read a copy of the rough
16 transcript of that call?

17 A Yes.

18 Q And it turns out that Mr. Kent's recitation was
19 inaccurate at least in one regard. Is that right?

20 A Yeah. I mean, I think there's room for
21 interpretation, but yeah, I now have a different view.

22 Q And do you happen to have a copy of that call in
23 front of you now?

24 A Yes. This call, is that what you're talking about?

25 MR. GOLDMAN: Yes. It's marked as an exhibit.

1 MS. YOVANOVITCH: No, that's our copy.

2 MR. MITCHELL: Let's go ahead and mark it.

3 MR. ROBBINS: You're not going to mark our copy.

4 MR. MITCHELL: No. We'll go ahead and mark it as
5 exhibit No. 3.

6 [Majority Exhibit No. 3

7 was marked for identification.]

8 BY MR. MITCHELL:

9 Q Prior to me getting to the text of this call, what
10 was Mr. Kent's reaction to the substance of the call when you
11 had that initial discussion about it?

12 A So just to clarify, he was not on the call so he
13 was getting, you know, readouts, et cetera. I think he
14 thought it was, you know, a relatively positive reaction from
15 the Ukrainian President.

16 Q So, in other words, the fact that President
17 Zelensky did not accede to this request by President Trump
18 was viewed positively by both you and Mr. Kent?

19 A Yes.

20 Q I'll take you to page 3 of the call. And President
21 Trump at the bottom says: Good, because I heard you had a
22 prosecutor who was very good and he was shut down and that's
23 really unfair.

24 Do you know -- who do you believe President Trump was
25 talking about when he said, you had a prosecutor who was very

1 good and was shut down?

2 A Well, I don't know, but I believe that it's
3 Mr. Lutsenko.

4 Q Mr. Lutsenko was still in office at the time of
5 this call, correct?

6 A Yes.

7 Q But had Mr. -- excuse me, President Zelensky
8 announced by the time of this call, July 25th, that
9 Mr. Lutsenko was going to be replaced?

10 A Yes, I believe he had.

11 Q Do you have any opinion as to why you believe that
12 President Trump would speak positively about Mr. Lutsenko?

13 A I mean, the only thing I can conclude is that he
14 had been told good things about Mr. Lutsenko.

15 Q By people who had possibly met with Mr. Lutsenko?

16 A Uh-huh. Yes.

17 Q Like Mr. Giuliani?

18 A Most likely.

19 Q Do you know whether anyone in the State Department
20 at the time had generally a positive view of Mr. Lutsenko?

21 A Well, you know, it's hard to speak for everybody,
22 but certainly the people that I knew did not have a good
23 opinion of Mr. Lutsenko.

24 Q For all the reasons that you testified about
25 earlier?

1 A Uh-huh.

2 THE CHAIRMAN: Yes?

3 MS. YOVANOVITCH: Yes. Excuse me.

4 BY MR. MITCHELL:

5 Q So despite President Trump's comments to President
6 Zelensky, wouldn't Mr. Lutsenko's removal have been viewed
7 positively by your colleagues at the Department of State?

8 A Yes.

9 Q On page 2, going back a page, at the bottom, the
10 very bottom, last sentence, it says: We are ready to
11 continue to cooperate for the next steps. Specifically, we
12 are almost ready to buy more Javelins from the United States
13 for defense purposes. And that's President Zelensky,
14 correct?

15 A Yes.

16 Q And you testified a little bit earlier about
17 Javelins being U.S.-made anti-tank missiles. Is that right?

18 A Yes.

19 Q Made by Raytheon?

20 A Yes.

21 Q If you know, did the Ukrainians believe that it was
22 important for them to have Javelins for their own defense?

23 A Yes, they thought it was important.

24 Q And were you involved, when you were ambassador to
25 Ukraine, about any discussions involving providing Javelins

1 to the United States -- or, excuse me, to Ukraine?

2 A Yes.

3 Q And I believe you testified earlier that you were
4 supportive of providing those. Is that correct?

5 A Yes.

6 Q Because it was not only in Ukraine's best
7 interests, but it was also in the best interests of the
8 United States as well for Ukrainians to have these anti-tank
9 missiles. Is that correct?

10 A I thought it strengthened the bilateral
11 relationship and sent a powerful signal of our support for
12 Ukraine.

13 Q Then immediately after President Zelensky mentions
14 the Javelins, on the top of page 3, President Trump mentions
15 CrowdStrike, and then he also says, The server, they say
16 Ukraine has it.

17 A Yeah.

18 Q Do you have any understanding of what the President
19 was talking about there?

20 A Well, I didn't at the time that I first read this
21 summary, but obviously, there has been explanation in the
22 news.

23 Q And what's your understanding?

24 A Well, that the server that was used to hack the DNC
25 was somehow in Ukraine or moved to Ukraine, controlled by the

1 Ukrainians. The Ukrainians then put out some sort of
2 disinformation that it was Russia. And that this is what the
3 President is referring to that it's important to get to the
4 bottom of it.

5 Q In that same paragraph he continues, and I'm not
6 starting at the beginning of the sentence, but he mentions
7 Robert Mueller and he says: They say a lot of it started
8 with Ukraine. Whatever you can do, it's very important that
9 you do it if that's possible. Do you see that?

10 A Yes.

11 Q Do you have any understanding of what the President
12 is referring to there?

13 A I think it's the belief that Ukraine was behind
14 interference in our 2016 elections.

15 Q And then President Trump continues at the top of
16 page 4, and he mentions: The other thing, there's a lot of
17 talk about Biden's son, that Biden stopped the prosecution
18 and a lot of people want to find out about that. So whatever
19 you can do with the Attorney General would be great. Biden
20 went around bragging that he stopped the prosecution, so if
21 you can look into it. It sounds horrible to me. Do you see
22 that?

23 A Yes.

24 Q And you testified earlier that your understanding
25 here is that the President, President Trump, was encouraging

1 President Zelensky to conduct an investigation involving
2 Hunter Biden. Is that correct?

3 A That's how I understood it.

4 Q And what was your reaction when you saw this
5 transcript for the first time, and particularly, these
6 requests that we just went through by President Trump?

7 A Well, I was surprised and dismayed.

8 Q And in your experience, do U.S. Presidents
9 typically ask foreign governments to conduct particular
10 investigations like the ones that are requested here, or are
11 they just general requests, such as fighting corruption, for
12 example?

13 A I think generally -- generally, there's preparation
14 for phone calls and there are talking points that are
15 prepared for the principal. And obviously, it's up to the
16 principal whether they choose to, you know, keep it general,
17 keep it more specific, whatever the case might be. But it's
18 usually vetted and it's usually requests that would be in our
19 national security interests, right?

20

21

22

23

24

25

1 [4:26 p.m.]

2 MR. MITCHELL: As opposed to the President's personal
3 political interests?

4 MS. YOVANOVITCH: Correct.

5 MR. MITCHELL: Which is what was happening on this call.
6 Is that correct?

7 MR. ROBBINS: Again, she was not present for this call.
8 She was not the ambassador during this call. All she can do
9 is interpret it as a reader after the fact, and I don't
10 really think this is within the compass of her expertise.

11 BY MR. MITCHELL:

12 Q Well, based on your decades of experience,
13 Ambassador, did you find this call and these requests to be
14 outside of the norm?

15 A Usually specific requests on prosecutions and
16 investigations goes through the Department of Justice through
17 our MLAT process. That's the mutual legal assistance treaty.

18 Q Is it your understanding that that's what happened
19 here?

20 A Well, as far as -- as far as I know, no.

21 Q Also on page 4, at the top, President Trump said,
22 "The former ambassador from the United States, the woman, was
23 bad news and the people she was dealing with in the Ukraine
24 were bad news, so I just want to let you know that."

25 Do you see that?

1 A Yes.

2 Q What was your reaction when you saw that?

3 A Again, I hate to be repetitive, but I was shocked.
4 I mean, I was very surprised that President Trump would --
5 first of all, that I would feature repeatedly in a
6 Presidential phone call, but secondly, that the President
7 would speak about me or any ambassador in that way to a
8 foreign counterpart.

9 Q At the bottom of that same page, President Trump
10 says, "Well, she's going to go through some things."

11 What did you understand that to mean?

12 A I didn't know what it meant. I was very concerned.
13 I still am.

14 Q Did you feel threatened?

15 A Yes.

16 Q Did you feel that you might be retaliated against?

17 A You know, there's a universe of what it could mean.
18 I don't know.

19 Q Well, what did you interpret it to be?

20 A Maybe. I was wondering -- you know, soon after
21 this transcript came out there was the news that the IG
22 brought to this committee, all sorts of documentation, I
23 guess, about me that had been transferred to the FBI.

24 You know, I was wondering, is there an active
25 investigation against me in the FBI? I don't know. I mean,

1 I just simply don't know what this could mean, but it does
2 not leave me in a comfortable position.

3 Q Are you concerned about your employment?

4 A Yes.

5 Q Are you concerned about your pension?

6 A Yes.

7 Q Do you have concerns about your personal safety?

8 A So far, no.

9 Q But you hesitate in saying, "So far, no," or you
10 condition that on what might happen in the future. So what

11 --

12 A Well, I would say a number of my friends are very
13 concerned.

14 Q You talked about earlier that you spoke to Mr. Kent
15 prior to the release of this transcript. Have you spoken
16 with anybody at the Department of State after the release of
17 this transcript about this transcript?

18 A Yes, but not anybody who is, like, working on these
19 issues. So I have friends at the State Department who are
20 not necessarily, you know, focused on these issues. So, yes,
21 but not in a work context, if that's what you're asking.

22 Q So you didn't speak to Mr. Kent, for example?

23 A [Nonverbal response.]

24 Q I'm sorry.

25 A Oh, no, I did not.

1 Q What about any Ukrainian officials that you may
2 still be in contact with? Have you had an opportunity to
3 talk to them about this call after it was released?

4 A No. I mean, I have talked to Ukrainians, but not
5 about this.

6 Q When you read this call transcript, did you raise
7 any concerns about the transcript through any sort of
8 official channels with the Department of State?

9 A No.

10 Q And did anyone at the Department of State reach out
11 to you about their concerns concerning this call after the
12 transcript was released?

13 A Yes.

14 Q Other than the friends who don't work on these
15 issues?

16 A Yes.

17 Q And who was that?

18 A Mike McKinley.

19 Q I'm sorry?

20 A Mike McKinley.

21 Q What was your conversation with Mr. McKinley about?

22 A He wanted to see how I was doing, and he was
23 concerned that there had been no outreach to me.

24 Q And what --

25 A I should also -- oh, yeah. He wanted to know how I

1 was doing and he was concerned that there had been no
2 outreach and no kind of public support from the Department.

3 I also wanted to say that that's from kind of a senior
4 level. The European Bureau did have a deputy director of an
5 office, of the Ukraine office, reach out to me. The deputy
6 director of the Ukraine office was also instructed to reach
7 out to me.

8 Q Was also instructed to reach out to you?

9 A Uh-huh.

10 Q And what's the name of that individual?

11 A Brad Freden.

12 Q And who instructed Mr. Freden to reach out to you?

13 A The principal deputy assistant secretary for EUR,
14 so Phil Reeker's deputy.

15 Q And can you just describe generally that
16 conversation that you had with Mr. Freden?

17 A Yeah. I mean, he called to see how I was doing --
18 you know, obviously we had worked very closely together
19 before, when I was in Ukraine -- and said that, you know,
20 everybody was concerned and wanted to see how I was doing and
21 did I need anything.

22 Q And did he have any sort of reaction about the call
23 itself or was he just -- was he just reaching out to see how
24 you were doing?

25 A He was reaching out to see how I was doing.

1 Q What about the conversation with Mr. McKinley?

2 A He also wanted to see how I was doing, wanted to
3 know, you know, kind of what communication with the
4 Department had been like.

5 Q Did you call -- did you discuss the contents of the
6 call with Mr. McKinley?

7 A I think, you know, if we did, it doesn't -- it
8 doesn't come back to me. I mean, I think it was the meta of,
9 you know, everything else that's going on.

10 Q Have you spoken to Mr. McKinley about his
11 resignation?

12 A He called me before it became public to let me
13 know.

14 Q Other than just notifying you that this was going
15 to happen, did he talk to you about why he was resigning?

16 A Yes. He said that he was concerned about how the
17 Department was handling, you know, this cluster of issues.

18 Q Can you elaborate further, please?

19 A I think he felt that the Department should stand by
20 its officers.

21 Q And was he referring to you in that regard?

22 A Yes.

23 Q Was he referring to others as well?

24 A I think perhaps George Kent as well. And for all I
25 know, there may have been others as well.

1 Q Can you explain why he was referring to George
2 Kent?

3 A Well, he's also been asked to come and testify.

4 Q All right. So Mr. Kent has been asked to testify,
5 and Mr. McKinley indicated that he was disappointed that the
6 Department was not standing behind its employees. Is that
7 correct?

8 A Yes.

9 Q Okay. So did he explain to you why he believed
10 that the Department was not standing behind Mr. Kent?

11 A He did. He noted that there had been a difficult
12 conversation with the State Department lawyers and that
13 George had shared that with him.

14 Q A difficult conversation between the State
15 Department lawyers and?

16 A George Kent.

17 Q And Mr. Kent. Okay. About coming to testify?

18 A I think it was about the response to the subpoena
19 for documents. I think that was the issue where there was a
20 disagreement.

21 Q What did Mr. McKinley say in that regard?

22 A That he was concerned about the way George had been
23 treated.

24 Q But did he explain how George had been treated?

25 A He said that there had been an argument and that he

1 was going to, you know, share this further up, is what he
2 said -- I don't know what "up" means or who that means -- and
3 that -- because he didn't feel that ostracizing employees and
4 bullying employees was the appropriate reaction from the
5 Department.

6 Q What was the argument?

7 A I don't exactly know, but I do know that it had to
8 do with the subpoena for documents.

9 Q So Mr. McKinley didn't describe to you exactly the
10 nature of the document -- or excuse me, the nature of the
11 argument, simply that it was about the documents?

12 A Yeah. And that George and at least one lawyer,
13 perhaps more, had had a disagreement about that.

14 Q Okay. And just to be clear, when we say "the
15 documents" and you said disagreement about that, what we're
16 talking about is a production of documents in response to a
17 congressional request. Is that right?

18 A Yes, I believe that's correct.

19 Q And at the time -- when did you have this
20 conversation with Mr. McKinley?

21 A Well, it was the Sunday after -- actually, I think
22 I'm conflating two conversations now.

23 I think he first just reached out to me, you know, as a
24 human being, basically. And then I think he called me later,
25 perhaps sometime midweek last week, maybe, to just share the

1 information and ask me whether -- you know, how I was being
2 treated.

3 Q Okay. It was during this more recent conversation
4 that you discussed this disagreement about the production of
5 documents?

6 A Right, right.

7 Q So that would have been in response to a
8 congressional subpoena. Is that correct?

9 A Yes.

10 Q And do you know whether the disagreement surrounded
11 on whether the Department of State should produce documents
12 in response to the subpoena?

13 A Actually, I don't know.

14 Q Do you know whether Kent was arguing for the
15 production of documents?

16 A I can't tell you. I don't know.

17 Q Do you know whether the argument was at all related
18 to whether Mr. Kent should come and testify before this
19 committee?

20 A He -- Mike didn't say that, so I don't know.

21 THE CHAIRMAN: If I can just interject with a question.

22 Are you aware of any specific documents for which there
23 was a concern that they may be provided to the committee?

24 MS. YOVANOVITCH: No. I have been instructed by my
25 lawyers --